DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER. Pursuant to House Resolution 273 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2670.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, August 4, 1999, the amendment offered by the gentleman from Oklahoma (Mr. Coburn) had been disposed of and the bill was open for amendment from page 47 line 6 through page 48 line 5.

Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $142,300,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $10,940,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. 902-903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $18,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding section 391 of the Act, prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $13,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferred rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $735,538,000, to remain available until expended: Provided, That of this amount, $735,538,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1133 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at $0: Provided further, That during fiscal year 2000, shall be the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any amount received in excess of $735,538,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000: Provided further, That not to exceed $126,000,000 from fees collected in fiscal year 1999 shall be made available for obligation in fiscal year 2000.
For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $99,836,000, to remain available until expended.

For necessary expenses of activities authorized by 33 U.S.C. 883i; $1,477,738,000, to be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to Fisheries"; $34,000,000 is derived from fees, if enacted into law, and $38,652,000 is derived from unobligated balances and deobligations from prior years, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. EHLERS (of record). Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. EHLERS;

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

The CHAIRMAN. The Clerk will designate the amendment.

Amendment No. 22 offered by Mr. EHLERS:

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 250 commissioned officers on an active list as of September 30, 2000; $99,836,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $280,136,000, to remain available until expended; Provided, That none of the funds provided under this heading may be provided for Federal financial assistance to a Regional Center for the Center for Manufacturing Technology ("Center"), beyond six years at a rate in excess of one-third of the Center's total annual costs or the level of funding in the six year period, whichever is less, subject to the procedures set forth in section 606 of this Act, as amended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, $56,714,000, to remain available until expended; Provided, That none of the funds provided under this heading may be provided for Federal financial assistance to a Regional Center for the Center for Manufacturing Technology ("Center"), beyond six years at a rate in excess of one-third of the Center's total annual costs or the level of funding in the six year period, whichever is less, subject to the procedures set forth in section 606 of this Act, as amended.

Mr. ROGERS (of record). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. The Clerk will designate the amendment.

National Oceanic and Atmospheric Administration

For necessary expenses for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 250 commissioned officers on an active list as of September 30, 2000; $99,836,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

Mr. QUINN. Mr. Chairman, I rise today in support of the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Amendment No. 22 offered by Mr. EHLERS:

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

The CHAIRMAN. The Clerk will designate the amendment.

Mr. EHLERS (for record). Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

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The CHAIRMAN. The Clerk will designate the amendment.

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The CHAIRMAN. The Clerk will designate the amendment.

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The CHAIRMAN. The Clerk will designate the amendment.

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The CHAIRMAN. The Clerk will designate the amendment.

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

The CHAIRMAN. The Clerk will designate the amendment.

Amendment No. 22 offered by Mr. EHLERS:
of high water and aids navigation in times of low water on Lake Erie. Without Sturgeon Point, and the other 12 stations, much industry and recreation could be paralyzed in Buffalo and all of the Great Lakes region.

The $390,000 provided to the National Oceanic and Atmospheric Administration means the estimated cost of upgrading the additional 13 stations. When the new technology comes on line, NOAA estimates that operational expenses should fall to approximately half of the current level. Using those estimates, the system upgrades should pay for themselves in just over five years.

Mr. Chairman, if there was ever a summer that we could see the need for these stations, it is this one. With water levels falling from drought and the threat of despair we can see that these stations can aid us in getting through the heat of the summer and thaw of the spring.

Mr. DINGELL. Mr. Chairman, I rise in strong support of the amendment offered by my colleague and friend from Grand Rapids.

Earlier this year, the National Oceanic and Atmospheric Administration proposed closing 13 of 49 water level gauging stations in the Great Lakes and St. Lawrence River system due to a budget insufficient to address Y-Z-K compliance problems. This proposal was advanced without consulting many of the constituencies who rely on the data of this Water Level Observation Network, including shoreline residents, local governments, recreational and commercial fishermen, and shippers of commerce from Great Lakes ports to points worldwide.

In my own district, two water-gauging stations were proposed for closing: one on the Detroit River and one in Lake Erie near the City of Monroe. Without these stations, other federal agencies such as the U.S. Army Corps of Engineers, the EPA, the Fish and Wildlife Service cannot provide needed services that support recreational uses, commercial uses, and the ecological integrity of the Great Lakes.

Mr. Chairman, my colleague from Michigan is offering a commonsense amendment to address a critical need for Great Lakes protections, and I urge the House to accept it.

The CHAIRMAN. Are there further discussion on the amendment?

If not, the question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The amendment was agreed to.

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

Mr. Chairman, I rise today not to speak to what is in the bill but what is not in the bill. Specifically, the Advanced Technology Program. This program was created with bipartisan support under the Bush administration.

The Advanced Technology Program has as its basic mission to benefit the U.S. economy by cost-sharing research within industry to foster new and innovative technologies. The ATP invests in risky, challenging technologies that have the potential for a big payoff for the U.S. economy.

The legislation over many years has been a huge success, providing a long-term investment in the future of American industry.

Unfortunately, this has not been included in this year’s appropriations, and I think it is to the detriment of our economy and to our high-tech industries as well.

The ATP is industry driven. Its research priorities are set by industry, not the government. For-profit companies conceive, propose, and execute ATP projects and programs based on their understanding of the marketplace and research opportunities. Far too often this particular fact has either been misunderstood or misrepresented.

The ATP is not a product development program, as many people have argued. The ATP does not fund companies to do product development, it instead funds R&D to develop high-risk technology to the point where it is feasible for companies to begin product development, but that they must do on their own.

ATP also embodies fair competition. They are rigorous, they are fair, and they are based entirely on technical and business merit. Too often people speak to what is in the bill but what is not in the bill. That is not true. And small companies compete just as effectively as large companies for ATP grants.

Roughly half of the ATP awards have been made for projects in which ventures led by a small company. ATP is in fact a partnership. It is not a free ride for winning companies.

Many people have argued that we can sustain this loss of funding because tax credits can take the place of the ATP. In fact, tax credits can make the employment of the technology program, as many people have argued. The ATP does not fund companies to do product development, it instead funds R&D to develop high-risk technology to the point where it is feasible for companies to begin product development, but that they must do on their own.

ATP also embodies fair competition. They are rigorous, they are fair, and they are based entirely on technical and business merit. Too often people speak to what is in the bill but what is not in the bill. That is not true. And small companies compete just as effectively as large companies for ATP grants.

Roughly half of the ATP awards have been made for projects in which ventures led by a small company. ATP is in fact a partnership. It is not a free ride for winning companies.

Many people have argued that we can sustain this loss of funding because tax credits can take the place of the ATP. In fact, tax credits cannot replace ATP. R&D tax credits are an important policy tool for encouraging research and innovation by industry, but they are not a substitute for the Advanced Technology Program.

The Advanced Technology Program has been evaluated and reevaluated. It has shown that many of the projects that have taken place would not have been done if there had been no ATP. It has shown that many programs have been misunderstood or misrepresented.

The CHAIRMAN. Is there objection to the gentleman from Nebraska?

There was no objection.

Mr. TERRY. Mr. Chairman, I am pleased that my colleague from New York (Mr. ACKERMAN) is a cosponsor of this amendment. We are joined by the gentleman from North Carolina (Mr. JONES) and the gentleman from Georgia (Mr. BARK) and others.

Our amendment addresses a situation that was first brought to my attention by Bruce and Christine Bowen of Omaha, Nebraska. They are parents of two Merchant Marine Academy midshipmen. As one who believes strongly that we must do right by those who serve our country, what they told me and showed me upset me into action.

The Terry-Ackerman amendment will help correct a problem that has been lingering for quite some time.

The U.S. Merchant Marine Academy, located in Kings Point, New York, is in desperate need of repair. This 55-year-old academy has been neglected for far too long. The last 5 years it has been funded at roughly $31 million annually, which is just enough to operate the facility without doing any maintenance. Consequently, a backlog of basic maintenance projects exists, totaling $20 million. This is unacceptable. Something has to be done.

Let me tell my colleagues how serious the situation is at the Merchant Marine Academy. The lack of maintenance has caused pipes to explode in the library, damaging a collection of rare books. Water pipes are so old that there are signs posted in the building saying, "Lead in Drinking Water." The heating system is so antiquated that the temperature in the rooms is regulated by opening all the doors and windows.

I have some pictures here that illustrate some of what I am saying. Mr. Chairman, the Merchant Marine Academy has become the lost son. All of our other military academies have received or will receive substantial sums of money for new construction or improvements. The U.S. Military Academy at West Point received $30 million to fund its cadet center. The U.S. Naval Academy will receive $75 million to build a new gym.

The U.S. Naval Academy will receive $41 million per year for the next 12 years to upgrade all of its midshipmen dorms. The Merchant Marine Academy is not looking for a new building. It just wants those that it has repaired.

If we demand a commitment of 10 years from the graduates of the academy, we should make sure that they have a learning environment conducive to their development, and that our economy and to our high-tech industries.
now is a modification of the original version. It will provide $2 million for maintenance at the academy, enough to repair some of those leaky roofs, under the Maritime Administration.

Before concluding, I would like to ask a question from Kentucky (Chairman ROGERS) a question.

It has been the practice of the Maritime Administration to pay for certain overhead expenses of the entire agency, including the academy. There have been proposals to require the academy to pay portions of the overhead costs, which could result in a loss as much as $1.8 million to the academy.

I understand that the committee intends that all the monies provided to the academy in fiscal year 2000 are to be used for the same functions as was the case in fiscal year 1999. In other words, no additional administrative expenses may be imposed on the academy by the Department of Transportation or Maritime Administration.

I ask the gentleman, am I correct, Mr. Chairman?

Mr. ROGERS. Mr. Chairman, the gentleman is correct. It is the intent of the committee that the Maritime Administration will continue to pay certain administrative costs related to the academy in the same fashion as in 1999.

Mr. TERRY. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Mr. Chairman, in conclusion, I urge support for this amendment.

Mr. ACKERMAN. Mr. Chairman, I rise in support of the amendment.

Mr. ACKERMAN asked and was given permission to revise and extend his remarks.

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman from Nebraska (Mr. TERRY) for his strong initiative.

I rise in support of the Terry Amendment, which, as you have heard, would add $2 million for the critical facility maintenance program at the U.S. Merchant Marine Academy, which is located in my district on the north shore of Long Island.

The academy plays a vital role in maintaining the economic and national security of our country and is one of the five Federal Service academies. Kings Point's mission is to train young men and women to serve and to lead in our Navy, our Marine, our Armed Forces, and in the transportation field.

In times of peace, these Merchant Mariners contribute to our international trading prosperity. In times of war, it is the Merchant Mariners who enable our country to move troops and materiel anywhere, anytime.

Despite rising costs over the years, the funding has remained nearly static for each of the last 5 years. The result of this neglecting is a real dollar budget cut for Kings Point. The 55-year-old infrastructure is in need of millions of dollars of capital maintenance repair projects.

Included in these projects are barracks renovation, Y2K compliance requirements, maintenance of the 220-foot training vessel, the King's Pointer, instructional technology and training requirements, and improvements in waterfront renovation.

Congress has already recognized the need for additional funds for the Merchant Marine Academy. In their report for the Defense Authorization Bill for fiscal year 1999, the House Committee on Armed Services said that they are concerned about 'the deteriorating material condition of the physical plant of the midshipmen barracks at the Merchant Marine Academy.'

'They go on to say, "The plant is antiquated and in need of replacement before it becomes a health and safety concern for the midshipmen and the staff."

It is to this facility, Mr. Chairman, that, as Members of Congress, we nominate some of the finest young men and women to put body and soul into the academy, become graduates of the academy. We must work to ensure that the academy is safe and conducive to this training.

This funding for fiscal year 2000 will help it achieve this goal so that the United States Merchant Marine Academy can achieve their mission of providing our country with the highest quality Merchant Marine officers.

I ask all of our colleagues to join us in supporting this critical amendment.

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

Mr. Chairman, as the chairman of the panel that authorizes the funding for the Maritime Administration and under it the Merchant Marine Academy, I rise in strong support of the amendment offered by the gentleman from Nebraska.

The Merchant Marine Academy is one of the most distinguished higher educational institutions in America. If we rated it in keeping with the outstanding record of its graduates, it would be in the top 15 colleges or universities of America. It is truly an outstanding institution.

It also is in outstanding need of long-deferred maintenance that this amendment, at least, will contribute toward. My panel authorized a $7-million increase for maintenance at the Merchant Marine Academy. But I understand and the chairman of the subcommittee that handles this in the appropriations has not had the funding that he could do that.

I appreciate that which I understand he is willing to do to contribute toward a building on this badly needed maintenance program. I can only tell my colleague and forewarn him that in the next budget submission we will see larger sums because this only begins to address a need that is clearly identifiable and must be addressed. It has been neglected too long. The 'deteriorated' condition continues here as we build these major, and laborers from NOAA. So I would hope that, in the future, when we go on to conference, we can find the monies to make up the changes that we have made. But I rise in strong support of the amendment and hope it can be approved.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate that the gentleman from Nebraska (Mr. TERRY) has worked with us and the Committee on Economic Resources in proposing this amendment.

I also continue to hear from alumni and families of current students at the academy about the dire state of the facilities there. I believe this amendment would help to address that problem, particularly to improve the living conditions of the midshipmen.

I have no objection to the amendment and support its adoption and commend the gentleman for his fine work.

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

Mr. Chairman, I rise today in opposition of the Terry amendment. While I applaud the gentleman's effort for attempting to increase funding for the Merchant Marine Academy, the offsets that the gentleman has proposed will be devastating to an already depleted National Marine Fishery Service budget and thus devastate to America's rural fishermen.

Like farmers, fishermen are a cornerstone of our country's cultural heritage as well as our economy. The U.S. commercial and recreational fishing industries generate more than $25 billion to our economy and employ approximately 300,000 men and women per year.

As important as they are to our economy, many fishermen in my district and in the Northwest are going through difficult times. Stocks are minimal and harvest is declining. Rural fishermen in my district, especially in towns like Astoria, Warrenton, Hammond and Coos Bay, are going through a difficult transition period as we work to rebuild depleted stocks of salmon and steelhead. Their livelihood depends on what they yield from the rivers and oceans.

As a country, we have recognized that through a variety of different causes the fish that these fishermen harvest are threatened to the point of extinction. We have committed desperately needed resources to help restore salmon runs and trout populations. By cutting the NMFS budget further, we are underfunding fisheries in my state and all across the country.

The National Marine Fishery Service works with state and local entities to ensure the stability and restoration of our ecosystem. An additional $14 million cut to the NMFS budget,
beyond the $27 million already cut in the bill, would significantly reduce the agency’s already compromised ability to fulfill its congressional mandates to conserve and rebuild our nation’s valuable marine fisheries and marine resources. Not funding NMFS at adequate levels is a real and obvious mistake.

We have heard the rhetoric of this country’s commitment to rural Americans, and yet this is one more attack on rural America. These rural fishermen depend on the harvest they get from their nets and depend on NMFS to ensure that there will be a harvest for their children. Cutting funds for research, studies, and fish stocks that NMFS oversees is helpful in two ways: one, if the stocks are improving, fishermen are made aware and harvest will increase; two, if the stocks are collapsing, fishermen are made aware and harvest will decrease, so that the remaining fish are saved.

The gentleman’s amendment strikes at the very heart of NMFS ability to help endangered and threatened species recover. A 15% cut in conservation and management programs and a 20% cut in endangered species recovery programs would gut much needed assistance to rural farmers.

I urge my colleagues to join with me in voting against the Terry amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY). The amendment was agreed to.

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

PROVISIONS-OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $480,720,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the “Operations, Research, and Facilities” account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERIES PROMOTIONAL FUND

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Coastal Zone Management Act of 1972, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), $22,000,000.

GENERAL PROVISIONS-DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1314), to the extent and in the manner prescribed by the Act, and, notwithstanding section 313 U.S.C. 3334, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, applicable appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 5 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are conducted by the United States Air Force or the United States Air Force Reserve.

SEC. 204. Of the funds provided in this Act or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the meaning of section 101 of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committee on Appropriations of the House of Representatives and the Senate Committee on Appropriations the transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or reorganizing such funds provided in this Act to the appropriate successor organizations: Provided, That such costs in connection with such transfer, including the costs of any loans made under this heading, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such costs, in connection with such transfer, shall be included in the annual budget submission for the fiscal year following the fiscal year for which such transfer takes place.

(b) The Secretary of Commerce or the appropriate head of any successor organization shall ensure that any use of any existing authority of this Act to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to such stabilization, reorganization, or transfers shall be as defined in section 502 of the Congressional Budget Act of 1974:

SEC. 207. Any costs authorized by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 603 of Public Law 103-356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are being performed, and shall return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automation data processing (ADP) systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Sec- retary: Provided further, That such shall provide services on a competitive basis: Provided further, That an amount not to exceed
4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2000 and each fiscal year thereafter, to remain available until expended, to be used for the payment of the cost of any transfer pursuant to section 605 of this Act.

For salaries of the chief judge and 8 judges, $6,872,000, of which not to exceed $10,000,000 shall be available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furnishing investigative, expert and other services to the Federal Judicial Center as authorized by law, $156,539,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by 28 U.S.C. 178(l), $8,000,000; and to the United States Court of Federal Claims Judges’ Retirement Fund, as authorized by 28 U.S.C. 178(j), $2,200,000.

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 5, United States Code, $8,500,000; of which not to exceed $1,000 is authorized for official reception and representation expenses.

For the Federal Judicial Center, as authorized by law, $90-219, $17,716,000, of which $1,800,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall be available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by 28 U.S.C. 178(l), $8,000,000; and to the United States Court of Federal Claims Judges’ Retirement Fund, as authorized by 28 U.S.C. 178(j), $2,200,000.

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 5, United States Code, $8,500,000; of which not to exceed $1,000 is authorized for official reception and representation expenses.

For the Federal Judicial Center, as authorized by law, $90-219, $17,716,000, of which $1,800,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall be available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by 28 U.S.C. 178(l), $8,000,000; and to the United States Court of Federal Claims Judges’ Retirement Fund, as authorized by 28 U.S.C. 178(j), $2,200,000.
August 5, 1999

CONGRESSIONAL RECORD Ð HOUSE

 Courts in the capacity as Secretary of the Judicial Conference. This title may be cited as the ‘Judi
catory Appropriations Act, 2000’.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous con-
sent that the remainder of title III be considered as read, printed in the
Record, and open to amendment at any
point.
The CHAIRMAN. Is there objection to the request of the gentleman from
Kentucky?

There was no objection.
The CHAIRMAN. Are there any amendments to that portion of the bill?

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

Mr. Chairman, there is an amendment pending to this title in the bill.
The offeror is on his way to the floor as we speak, and I did not want to let this
title pass without the gentleman being able to offer his amendment.

I am wondering if we can secure unanimous consent that when the gen-
tleman from Florida (Mr. STEARNS) ar-

rives on the floor he would be able to offer his amendment out of
turn.
The CHAIRMAN. Is there objection to the request of the gentleman from
Kentucky?

Mr. SERRANO. Mr. Chairman, re-
serving the right to object, I am trying just to find out what the gentleman
from Kentucky (Mr. ROGERS) is trying to accomplish.

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

Mr. SERRANO. I yield to the gen-
tleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gen-
tleman from Florida (Mr. STEARNS) is
preparing to offer an amendment to
this title. We moved rather swiftly on the preceding matters, and he is on his
way to the floor as we speak. I am hop-

ing that we could be able to proceed and
vote in this amendment, even out of turn, when he arrives.

Mr. SERRANO. Mr. Chairman, re-
claiming my time, I ask the gentle-
man, when do we expect the gentle-
man to be here?

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield, I am
told momentarily.

Mr. SERRANO. Mr. Chairman, I have
no objection, and I withdraw my res-
ervation of objection.
The CHAIRMAN. Is there objection to the request of the gentleman from
Kentucky?

There was no objection.
The CHAIRMAN. The Clerk will read.
The Clerk read, as follows:

TITLE IV—DEPARTMENT OF STATE AND
RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not oth-
erwise provided for, including expenses author-
ized by the Department of State Basic Authori-
ties Act of 1956, as amended, the Mutual Edu-
cational Exchange Act of 1961, as amended, and the United States Information and Edu-
cational Exchange Act of 1948, as amended, including employment, without regard to
civil service and classification laws, of per-
sonnel on temporary duty (not to exceed
$700,000 of this appropriation), as authorized
by section 801 of such Act; expenses author-
ized by section 9 of the Act of August 31, 1964, as amended, to provide stipends or
travel allowances to certain international organizations in which the United States partic-
tipates pursuant to treaties, ratified by the United States Information and Edu-
cational Exchange Act of 1948, not to exceed $6,000,000, to remain available until expanded as authorized by section 801 of such Act of 1961 (22 U.S.C. 2455); Provided, That not to exceed $900,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connec-
tion with English teaching and educational advising and counseling programs as author-
ized by section 810 of the United States In-

REPRESENTATION ALLOWANCES

For representation allowances as author-

PROTECTION OF FOREIGN MISSIONS AND
OFFICIALS

For expenses, not otherwise provided, to

enabling the Secretary of State to provide for
extraordinary protective and security services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $60,100,000, to remain available until Sep-

SECURITY AND MAINTENANCE OF UNITED STATES
MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1920, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title II of the DIP-

lomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $403,560,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)); Provided, That none of the funds appro-
priated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

UNIFORM SECURITY ALLOWANCE

For security allowances, for the costs of worldwide security
upgrades, $313,617,000, to remain avail-

able until expended.

EMERGENCIES IN THE DIPLOMATIC AND
CONSULAR SERVICE

For expenses necessary to enable the Sec-

retary of State to meet unforeseen emer-
gencies arising in the Diplomatic and Con-\n
sular Service pursuant to the requirement of
section 135(e) of Public Law 103–236, Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of In-

spector General in the Diplomatic and Consular Service and with respect to the
provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $28,495,000, notwith-

standing section 304(a)(1) of the Diplomatic and Consular Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE

PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mu-


nament activities as authorized by the Arms Control and Disarmament Act of Sep-

ember 1961, as amended by section 6 of such Act; expenses authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1756).

The CHAIRMAN. The Clerk will read.
For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1996 (22 U.S.C. 2671): Provided, That such costs, including the costs of international loans, that are defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to pay for the direct loan program, $567,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 94-56, $14,750,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $128,541,000.

INTERNATIONAL ORGANIZATIONS AND CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $207,000. Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That, of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the $244 million in the bill is time to do the right thing. It is time for Congress to stop making excuses. It is time for the United States to take responsibility for its share of the costs of international organizations.

For an additional amount for payment of arrearages to meet obligations of authorized membership in international multilateral organizations, and to pay assessed expenses of international peacekeeping activities, $244,000,000, to remain available until expended: Provided, That none of the funds appropriated or otherwise made available under this heading for 2000-2001 may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon the United Nations reform: Provided further, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed five percent for any single member of the agency, and the designated specialized agencies have achieved zero nominal growth in their budget levels for the biennium 1998-1999 to 1998-1999.

ARREARAGE PAYMENTS

For the cost of court monitoring that is part of the U.N. peacekeeping mission in the Democratic Republic of Congo, $244,000,000, to remain available until expended: Provided, That none of the funds appropriated or otherwise made available under this heading for the U.N. peacekeeping mission in the Democratic Republic of Congo, $244,000,000, to remain available until expended.

This amendment is a very straightforward approach to the problem of U.N. arrears. It removes the payment of arrearages contingent upon the United Nations reform. The amendment does not change the reforms in the bill. It is time to do the right thing. It is time for Congress to stop making excuses. It is time for the United States to take responsibility for its share of the costs of international organizations.

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

Mr. Chairman, the American people support the work of international organizations and they want us to pay the dues that we owe. Polls show that 70 percent have a favorable opinion of the United Nations and 80 percent of Americans, 80 percent of American voters, oppose linking provisions related to abortion policy.

Now is not the time to move the goal post. It is time to quit making excuses. It is time for Congress to do its job and pay its bills.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment. I agree with the gentleman that this country should pay the amounts that we owe to the United Nations and other international organizations, but we cannot do so at the cost of abandoning the progress made on reforms at U.N. From the beginning, our approach has been to provide the arrears only upon the achievement of real and substantial reforms.

Over the past 2 years, we have made available a total of $575 million for arrears. That funding remains available, pending authorization. It has been this subcommittee's position for many years now, under bipartisan leadership, that the United Nations needs to reform. We are after a more effective United Nations. We think that only by reforming the bureaucracy, streamlining the processes at the U.N., only then can we achieve an effective United Nations. That has been the policy of this subcommittee and of this Congress, both bodies. That drive for U.N. reform continues even today. Thus, we have conditioned the payment of the arrears upon effective...
real reform at the U.N. I must say it is working. There are achievements that we can point to at the United Nations that we can be proud of in reforming the process, in streamlining the way they do business, in cutting unnecessary expenditures. The bill provides the final installment of $351 million to arrive at a total of $926 million in arrears payments, the full amount that has been agreed to by the administration in the pending authorization.

The reforms that have taken place thus far at the U.N., as I say, have been due in large part to the fact that this subcommittee, the Committee on International Relations of the House, and of the Congress, because we have insisted on these reforms just as we continue to do in this bill.

Reform has been a priority of this Member since I have been chairman of this subcommittee and maybe it is not the only lever that we have to ensure that these reforms take place, but it is making them a condition of arrearage payments. We have deferred to the authorization committee as is the rules of the Senate defer to the authorization committee in this bill, with this very language, making the payment subject to authorization. I think that is the appropriate way to handle this matter, just as it is the appropriate way to handle all matters. The Committee on Appropriations, of course, defers to the authorizing committees of the House except where they are in consent for some change that they would like in the appropriations bill.

The pending authorization bill passed by the Senate reflects that. It sets out an extensive series of necessary reforms, including reducing the U.S. share by 7 percent and making the first zero nominal growth budget, that is, a freeze. The rates of assessments that are being paid to the U.N. are based on 1945 standards. I submit to the Chair that the condition of the nations that make up the U.N. have changed dramatically in that period of 50-plus years. There are new world economic powers that did not exist at that time, i.e., Japan, Germany, and, yes, even China, to name a few. Yet the assessment level has not changed in all that time.

Mr. Chairman, it is time that we achieved a change, a reduction, in the rate of payment that the U.S. has to pay to support the U.N. It is a modest change, from 25 percent down to 22. I would like to see 20. But, nevertheless, it is a substantial change.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(BY unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, these reforms are essential and we should insist upon them as our responsibility to the U.S. taxpayer, and the Congress has gone along with our recommendations for the last several years.

The gentleman's amendment would give an unauthorized $244 million to the U.N., and send the signal to the U.N. and the rest of the world that we are no longer committed to reform. That is exactly the wrong message that we should be sending.

I urge rejection of the gentleman's amendment.

Mr. SERRANO. Mr. Chairman, I rise in strong support of the gentleman from Ohio's amendment. First of all let me say I congratulated the gentleman from Kentucky, and I do once again, for taking serious steps to deal with this issue. I continue to ask him to do even more in conference and in the future to make sure that we pay our bills. But I do not want the gentleman to think that our support of this amendment does not salutate and compliment the fact that he has tried to pay our bills. It is the fact that we are paying our bills in a very strange way, by dealing with issues that are not related to the bills that we have to pay our bills. That is the problem.

The problem, as the gentleman from Ohio has well stated, is that we run the risk of losing our vote and our membership in the U.N., our vote in certain committees and our membership in certain world organizations related to the U.N., if we do not pay our dues. We should really be very careful here today to understand that those of us who rise in support, in strong support, of the Hall amendment are not doing it because we want to somehow stop our involvement in the U.N. On the contrary. It is those who attach riders to this issue who may want to find this as an excuse to tie up our involvement in the U.N. We want our involvement to continue. We want the U.N. to reform.

Please understand that the money that we have approved in the past and that are pending now speak to reform at the U.N. But we cannot be asking for reform one day and before moving on to a frozen budget in the out years, and various other procedural conditions that are in the authorization process. I want to be sure we understand there are two different types of conditions that are being attached to the appropriation. One is the population control matter. There is a whole series of those conditions for reform, such as reduction in the U.S. rates of assessment to 22 percent, such as guaranteeing a frozen budget in the out years, and various other procedural conditions that are in the authorization process. I want to be sure that we understand there are two different types of conditions that are being attached to the appropriation.

The other is procedural reforms at the U.N. that I think most all of us would agree with.

Mr. OBEY. Mr. Chairman, will the general yield?

Mr. SERRANO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if I could respond to the gentleman's comments. The assertion that the Hall amendment eliminates the reforms that this committee is pressing forward with is totally, absolutely false and misinformed. The Hall amendment eliminates lines 8 through 18 in the bill on page 80. That is only the language that refers to the requirement for authorization.

It leaves in place the following language:

None of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the U.N. does not exceed 22 percent for any single member of the agency.

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

In the request of Mr. OBEY, and by unanimous consent, Mr. SERRANO was allowed to proceed for 2 additional minutes.)

Mr. OBEY. I am continuing to read:

The agencies have achieved zero nominal growth in their uncommitted budget resources for 2000-2001 from the 1998-1999 biennium budget levels of the respective agencies.
That makes it clear. Those reforms stay in place. What the gentleman from Ohio is trying to do is simply get us out of the business of being a deadbeat because he understands that we have more leverage, not less, if we paid our bills. The fact that we did not pay our bills has already cost us $100 million because since we had not paid our bills we were not able to convince the U.N. to lower our percentage payments for the shared cost of those programs.

So if my colleagues are interested in saving the taxpayers’ dollars, pass the amendment offered by the gentleman from Ohio (Mr. HALL). If they are interested in keeping the reforms in place for the U.N., pass the Hall amendment.

Let us not confuse the facts.

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

I would say to my friend I rise against the Hall amendment, and I will give my colleagues a few reasons, and I think even some of my colleagues on the other side of the issue would agree. First of all, we have lost the two absolute best daughters in this body; but when they are bad, I do not reward them, but when they are good, I give them an incentive; and when we are talking about the reforms, these long overdue reforms, they have had years to do this, and they will not do it.

The U.N. needs the United States when we are talking about losing a vote. We pay the lion’s share; with all the different countries in there, we pay the lion’s share. We not only get one vote, and the U.N. votes against the United States the majority of time because we only get one vote; and as my colleagues know, the other Communist countries are in there that always put us down.

Let me give my colleagues a couple of examples of the U.N. In Somalia we lost 18 rangers because U.N. troops had armor there. India, for example, had T-64 tanks. They would not commit them. There was a $35 million Butros Gahli was there. Our own President denied armor, and so there was none for those troops; and under U.N. leadership in control of our troops, we lost a bunch of people.

Second example: Some of my colleagues may remember when we bombed Iraq for the first time. Neither the President nor the Vice President nor the Secretary of Defense knew that the United States had gone to war. Our troops are bombing, but yet not even our President knew that we were in a war time, and I think that is wrong.

It is not just the U.N.; it is the other organizations as well. For example, NATO. Can we afford still that every conflict that we get into with NATO for us to pay for 86 percent of the sorties of the flights and to pay for 90 percent of the weapons dropped? I think we need a reorganization in NATO. Either they need to upgrade their capabilities, or yet they need to pay the United States. Our next supplemental ought to be a check.

In the U.N. just the cash is counted. When we deploy troops, when we have our carriers, when we have our assets there, we should pay against our 22 percent. I think that is wrong, and when they make those concessions, then I am willing to help my colleagues, but I think that gives a good incentive first to do that, and I think the way that we do it now is wrong.

If we look at the U.N. members, the liposlines, let them stay in the Quality Inn. But do they? No. One was quoted: “No, we deserve to stay in the Ritz because it is to the standing of a U.N. member.”

So those kinds of reforms, I think, Mr. Chairman, are very, very valuable before, and we pay our arrears, and I am opposed to the gentleman’s amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to put this in hard-headed Midwestern terms. I do not believe that anybody in this chamber should feel they should have one dime on the United Nations if they think it is to help the United Nations or to help somebody else. We are supposed to be defending taxpayers’ money, and what I would say to my colleagues is: “Don’t contribute to the United Nations unless you think that those contributions are helping our own country and helping us defend our own national interests,” and they most certainly are.

What are the fund supposed to be spent for that the gentleman is talking about? Is it money that has been withheld from the World Health Organization. What does that agency do? It is helping to eradicate polio around the world. One of its responsibilities is to try to deal with one of the most dangerous items known to man, ebola, which causes wretched pain.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

The gentleman mentioned the WHO debt, the WHO. The WHO arrearage that the gentleman mentioned arose in 1989. It an old bill, and it is a fairly small amount, $35 million. We pay our annual contribution to the WHO annually. No one disputes that. We are up to date on our annual payments. There is an old arrearage in 1989, $35 million; that is still in dispute. This arrearage, it is small. It is an old arrearage does not apply to any current operations. I want to be sure that people understand that the WHO is up to date on our payments, with our annual payments.
Let me very briefly try to put in perspective a very complicated matter. For the last 3 years mainly the Senate has been putting conditions on the payment of the arrearages, the so-called Helms-Biden bipartisan compromise on U.N. reform. There are 18 of those reforms signed off by the President. We are all in agreement on this. The President, Helms and Biden in the Senate, and we have deferred to that agreement.

The conditions for reform, I think most of us can agree are legitimate and correct. Recognizing American sovereignty, one; no taxation by the U.N.; no standing Army by the U.N.; no interest fees by the U.N.; recognition of U.S. real property rights; termination of borrowing authority; the assessed share for U.S. peacekeeping contributions not to exceed 25 percent; limitations on assessed share of regular budget; limitations on the other parts of the budget; inspectors general for certain organizations; new budget procedures for the U.N.; a sunset policy for certain U.N. programs; U.N. Advisory Committee on Administrative and Budgetary questions; access by the General Accounting Office; personnel reduction in the U.N. from 400,000 to 30,000 authorities to a flat budget; new budget procedures and financial regulations; limitations on the assessed share of the regular budget for the designated specialized agencies of the U.N. and so forth. There are 18 of those conditions; I think we all agree on them.

That is really what we are talking about. The President has agreed, the Senate has agreed, the House has agreed. We are all in agreement on those 18 conditions for reform, and unless and until they are agreed to, the arrearages have been withheld. It is a fairly complicated thing, but it is simple in that respect. Mr. Chairman, I want us to be sure that we understand where we are. No one wants us to lose our voting rights in the U.N. I do not think we are at that point. We never will be at that point in the Security Council, I will point out to my colleagues, and that is the important place. But I think we all have to understand that in order to achieve these very creditable reforms that the administration and the Congress have agreed upon that we should make our moneys subject to, should be withheld until we see these substantial reforms.

Now the amendment that is pending, if it passes, would say no, let us forget all of the conditions that we have required before paying these moneys, and let us go ahead and pay the moneys and forget about reform. We have too many years invested, we have too much money invested. More importantly, we have too much of an international stake involved here to let the U.N. continue to be the bureaucratically entrenched organization that it is. We want, I want, a more effective U.N. We need a U.N. We need an effective U.N. It is not effective now, and I think we all can agree upon that. The only way that we have seen work has been to force change by the withholding of funds, Mr. Chairman, and that is what this debate has been about for these several years.

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

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would just like to ask, why do the reforms continue to say that this amendment eliminates the conditions when in fact the conditions still remain in the bill. I mean saying something 15 times that is not so does not make it so.

Mr. ROGERS. Claiming my time, Mr. Chairman, our bill that is on the floor only contains two conditions. The authorization that would be forgiven by this amendment contains 18. The two conditions that are in the appropriation bill occur at page 80, I quote Line 18. None of the funds appropriated or otherwise made available under this heading may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the U.N. does not exceed 22 percent for any single member of the agency, and the U.S. represents a U.N. staff-to-staff level that has achieved zero nominal in their fiscal years for 2000/2001 from the 1998/1999 levels.

Those apply to three international organizations other than the U.N.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. ROGERS. Mr. Chairman, in the interests of time, I would ask the gentleman one additional question: Why should we continue to allow appropriation bills to get bogged down by authorization issues? When is the last time the authorization committee has been able to pass their legislation, except for the year when they were able to attach it to the Appropriations Committee? The answer is 1994. On the foreign aid bill, that committee has gone over 10 years without being able to pass a foreign aid bill. Why on Earth should we allow a committee that can never get its own work done to interfere in our ability to get our work done?

Mr. ROGERS. Mr. Chairman, claiming my time, the gentleman will have two more questions: Why should we allow a committee that can never get its own work done to interfere in our ability to get our work done?

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Mr. OBEY. Mr. Chairman, just so my colleagues may know, I chair the Subcommittee on International Operations and Human Rights of the Committee on International Relations, and the gentleman from Wisconsin was incorrect. Last Congress, the 105th Congress, we passed and sent to the President, he said when did we last passed one, we had a conference report, it went down to the President, on State Department, it included reform, it included arrearages, 9326 million for arrearages with very strong conditions and a very, very compromised Mexico City policy. Regrettably, the President vetoed that bill.

That issue of arrearages would not be before this body except for the appropriations amount that the gentleman from Kentucky, the chairman, has put into his bill. We had all of these conditions, the President did not veto that bill. That is unfortunate. Our hope is to take another shot at it.

We are now going to conference soon, it is already staff-to-staff, to try to work out this arrearage language that has been passed by Senator Helms and Senator Biden working together.

Mr. OBEY. Just so my colleagues know, I chair the Subcommittee on Human Rights of the Committee on Foreign Affairs, and the gentleman from Wisconsin was incorrect.

Mr. OBEY. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. SMITH of New Jersey. Just let me say in response to my good friend, you do not pass a bill if all you do is get it out of the Congress. This is an institutional process, that a bill becomes law only when you have agreement between the authorizing committee and the executive branch.

The problem with your committee, very frankly, is it has been so extreme in its position, it has not been able to pass its bills except when they attach them to appropriation bills. You have not been able to put together a one-car funeral in your own jurisdiction in over 10 years on foreign aid. Yes, we have an authorization in an appropriation process, but that implies that the authorization committee be functional. Yours has demonstrated that it is not.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I just let me point out to my colleagues, and I think they realize this, that the appropriations certainly have an advantage in the Constitution says that they are bringing to the floor must-pass bills. The authorizers almost by definition are disadvantaged because an administration that may not like this provision or that will just say
The United States is a wealthy country in the world, is the biggest deadbeat at the United Nations.

Mr. Chairman, I would like to get back to the basic issue today and rise in strong support of this reasonable amendment to begin to put the United States back in good standing at the United Nations.

When the gentleman from Connecticut (Mr. SHAYS), the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. ENGEL), and I joined in creating the bipartisan Congressional United Nations working group at the beginning of the 105th Congress, we never imagined that we would be here over 2 years later still demanding that the United States pay its arrears to the U.N. It is really extraordinary. But here we are, still outraged, still embarrassed, still trying to get the United States to live up to its commitments.

Let me be clear. It is outrageous that the United States, the wealthiest country in the world, is the biggest deadbeat at the United Nations.

This amendment is very straightforward. It takes the empty U.N. arrears language in this bill and makes it real. It ties the reforms in the bill real. It makes the $244 million in arrears payments in the bill real. Quite simply, it removes the smoke and mirrors from the bill and puts us back on the road to acting like the world leader we are.

This funding is critical to United States foreign policy. It shows the international community that a commitment made by the United States means something, and it gives the U.N. the resources it needs to carry on the important work it is doing around the globe.

The United States has a tremendous amount of influence within the U.N., but, frankly, that influence is decreasing with every day that we do not pay our arrears. In fact, at the end of this year, as you heard, we face the unimaginable prospect of losing our vote in the General Assembly under the requirements of Article 19.

But this issue goes beyond simple embarrassment. How are we to expect the U.N. to continue to act in our interests around the world? How can we expect them to fund the projects we support, to send peacekeeping troops to areas we want to see more stability, when we do not pay our debt? How do we expect to reform the U.N., and I agree with my colleagues on the reform measures which are in this bill, and most of them, it is my understanding, remain in this bill if we do not pay our U.N. dues?

As a member of the Committee on Appropriations, I am well aware of the limited resources we have been given to fund our international activities in recent years. The United States foreign assistance decreased to an almost unimaginable level in the last few years. But in this context, paying our debt to the U.N. is even more important. The U.N. is a cost effective way for us to leverage U.S. funding with that of the other members of the U.N. to make a difference around the world.

I want to reiterate again for my colleagues that what this commonsense amendment does is it essentially removes the language which makes meaningless the arrears section already in the bill because it is tying it to another issue. It leaves in place the reforms included in the bill that caps our future U.N. dues at 22 percent and mandates a zero growth budget for the U.N.

I so want to say to my colleagues once again, too often in this body we cannot pass and there remains a stalemate with this that is really very important, because we want to take it, as our ranking member said, to another issue. Let us vote on that other issue as a clean issue. Let us have that vote, up or down.

I respect my colleague from New Jersey (Mr. LOWEY). Let us have that vote up or down. But let us not tie paying our U.N. dues to that issue. Let us have that vote cleanly.

So, again, I want to urge my colleagues in support to the Hall amendment. Let us pay our U.N. arrears. Let us not be a deadbeat. Let us not tie that payment to other issues where there is some controversy. I would think that the majority of this body wants to stand tall, work together, and pay our U.N. arrears. If there are other controversial issues, let us have that debate, but let us take it as a separate issue, let us have a clean vote on paying our U.N. arrears with the provisions which are included in this bill to reform important measures.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.
Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentlewoman for yielding to me.

I just want to respond to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

The fact is that the reforms that are in the Committee on Appropriations before us are still in the bill. I do not touch those. I do release $244 million through this amendment without authorization. The money is already appropriated, so it is not an item that we have to offset.

Secondly, I support the Helms-Biden amendments and the reforms they were trying to do. As a matter of fact, they are still in the legislation that is before us, not this legislation but legislation that passed in 1998 and 1999, because the Helms-Biden amendment and all the reforms are still in that money, which has not been released because it is subject to authorization. Herein lies the problem. Mr. Chairman, I have been waiting for 3 years and have been patient to have a clean vote on U.N. arrears. I have been hearing the same rhetoric over and over again. We should pay the arrears, not the full amount, only a down payment of about $244 million, which is 25 percent of what we owe.

That is what this really is all about. This is the first time we have ever had a chance to vote on U.N. arrears and have a clean vote. What I have trouble with, and the reason why I have offered this amendment, is that we have trouble with the fact that we have very good moral issues here on the floor. Paying U.N. arrears is a moral issue. We owe it, we should pay it.

The issue of pro-life or pro-choice to me, I am a pro-life Member, that is a moral issue to me. But when we take an issue like this, we twist it for political reasons, in a way in which they should not be linked. I think it hurts the whole cause. I think it is not honoring. That is why I have waited, as a pro-life Member, for a chance to say, these two issues do not belong in the same bill. And in holding the U.N. hostage because of abortion policy, because of the Mexico City policy, that is what it is all about. Members want leverage. What I am trying to do is release money in the fairest way possible.

We are trying to do positive things about this. I think the whole world is looking at us. I know the American people support this. There have been a number of polls, and 80 percent of the American people, of the American voters, say, pay the dues. That is what this vote is all about, pay the dues.

Mrs. MALONEY of New York. Mr. Chairman, I strongly support the amendment for the reasons he outlined. As the gentleman pointed out, it is a matter of the principles that we hold. We all support the reforms of the United Nations. It would allow the U.S. to make a long overdue $244 million down payment on the $1 billion that we already owe.

We should pay our dues, our arrears, because it is in America's national interest. If we do not pay our dues without restrictions, without conditions, without riders that are totally unrelated, we could lose our vote in the United Nations General Assembly.

I am very, very privileged to have the U.N. in my district, a body that serves America's interests every single day. It serves to end conflicts by negotiating peace agreements. It serves to prevent nuclear proliferation. It serves to make our children around the world have immunizations against deadly diseases. It serves to alleviate hunger, which the gentleman has been a great leader on in this body by providing relief to some of the world's most desperate areas.

It is just plain good policy to pay what we owe, to strengthen our voice in this important body. And we should not link our dues, our arrears, to foreign policy riders that have absolutely nothing to do with the issue that is before us.

I strongly support the amendment of the gentleman from Ohio (Mr. HALL), and I urge all of our colleagues to support it.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by saying that I do, indeed, have the greatest respect for the sponsor of this amendment. The gentleman from Ohio (Mr. HALL) is a Member of this body who is admired by all of us for his deep convictions and constant and consistent work on behalf of the human rights of all people.

Not only do we respect him for his professional and humane commitment to these matters, but most of us, I say to the gentleman from Ohio, most of us see the gentleman as a good personal friend. It strikes me as one of the really unusual moments here to see the gentleman from New Jersey (Mr. SMITH) in such a heartfelt debate on this issue on different sides when one recognizes the acute friendship they have for one another. But that is the way of a legislative body.

Mr. Chairman, on the issue of the United Nations arrears, there are a range of views. We hear them expressed here, one after another, by many people who believe we do not owe any back dues to the U.N. The notion that we do in many people's judgment is based on bad accounting and bad policy.
There are other people in the middle of this spectrum, people like the gentleman from New York (Mr. Gilman), like the colorful gentleman, Mr. Helms from North Carolina, like the equally colorful Mr. Bioden, and even the President of the United States, as represented by his own Secretary of State, who agree that we should provide some additional funds to the U.N., but only in return for commonsense reforms; and I mean basic reforms, such that the U.N. should use Inspectors General, adopt a line-item budget, and reduce the American share of its budget to reflect our share of the world economy.

Then, Mr. Chairman, on the other extreme, is this amendment before us today. This amendment expresses the unique proposition that we should give $244 million of our taxpayers’ money to the United Nations without insisting on our reform package. That is $244 million with no authorization strings attached to the most bloated and wasteful bureaucracy since Byzantium.

This would be wrong. Even the best friends of the United Nations, and I would count the gentleman from New York (Mr. Gilman) among them, should oppose this amendment because it denies the Congress of the United States, in conjunction with the presidency, the ability to reform our relationship with the U.N. and make it better and a stronger institution.

There has been some talk about linkages here. We all understand that it is a simple fact that the administration would have a better time getting its request for U.N. funding if it would deal with a variety of other issues.

But let me tell the Members about the linkages issues that we refer to here. I saw an effort last year in the authorization bill agreed upon now by the House and Senate to put some of those linkages in that authorization language by the distinguished chairman of the Senate, Mr. Helms, who agreed with the linkages that we refer to, keep them out. Not in this bill, he said. We have worked hard on this bill. We have worked with the House and we have worked in good faith with the administration. I saw Mr. Helms say, no, we will not put these kinds of linkages in our bill because we are working with the administration.

He honored that relationship, to protect the hard-won gains that they had done between the House and Senate authorizing committees and their relationship with the administration; I thought a deeply honorable thing, albeit for me the moment, an inconvenient position for the distinguished chairman to take; a position, by the way, that I had rather assertively been reminded of by our own distinguished chairman, the gentleman from New York (Mr. Gilman).

Now, we have this same hardline work, all of these reforms so painstakingly negotiated between the Congress, the House, the other body, the White House, and the Secretary of State threatened again, threatened again, not this time by the effort to impose linkages into them, but this time by the idea, let us throw them overboard, forget all that work. Let us just give them the things attached. Forget all that hard work.

I am sure, Mr. Chairman, I am sure after the frankly heroic effort by the distinguished chairman, the gentleman from New York (Mr. Gilman), and the distinguished efforts of the gentleman from the other body, Mr. Helms, to keep those linkages out of the commitment as a matter of cordiality with the administration, just a year ago, I am certain, Mr. Chairman, that they would have agreed that the reforms, the Secretary of State, would protect that work, too, by opposing this effort we have on the floor today to throw it over.

There is the story of linkages. Honor is as honor does. Honor should beget honor. The House and Senate chairman honored their working relationship with the administration. They have every right to expect the administration, and I in the Congress, to do, to protect that work and oppose this amendment. If they do not, what a shame that there is not such respect for these two chairmen, for their honorable efforts.

What I am suggesting that we do is continue to honor the hard work of our committees, as this Committee on Appropriations has done, and say, as the bill does, the $244 billion is available subject to authorization. Let us enact those that the administration, agreed to by Republican and Democrat leaders alike in the House, in the Senate, in the administration, and then we will, of course, couple, again, the money and the agreement and the reforms, and do this properly.

Mr. Chairman, I just regret the impatience of the gentleman from Ohio (Mr. HALL). I understand his commitments. I understand his sense of wanting the right. He does that in many ways, and many times we respect and appreciate that.

But not this time, Mr. Chairman. I think the amendment of the gentleman from Ohio (Mr. HALL) is ill-advised. I think it reflects a lack of appreciation for the hard work, the commitment, the reform needed for the security of this Nation within a more secure and effective United Nations, and that work should be honored.

I would hope this House would honor our committees, honor the effort made by the administration, oppose this amendment, and carry forward those reforms that would reflect the will of the American people to have an American association with the United Nations that is honorable and respectful on both sides.

Mr. GEJENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are the most powerful Nation on Earth. There has never been a time in the history of man when there has been one country that has singularly had the power to influence the globe that the United States does today. There is no country in second place.

The Congress, if it continues to play these games with a number of international organizations, we may squander this position of power and hurt future generations.

The argument that process is more important than substance today is a little hard to take. I am the ranking Democrat on the Committee on International Relations. With a little luck and hard work and the sense of the American people, hopefully I will be the next chairman of that committee.

But let me tell the Members something, we have to get the work done. It is a little hard to take as sincere the statement that this is on the level, because it sounds a lot like the number one deadbeat dad in the country telling the kids that the check is in the mail. We have been doing this for a decade. We tie it up over abortion and Mexico City, we tie it up with territorial battles with the Congress between authorizers and appropriators.

Some people hate international organizations. I look at the U.N. and understand that it carries out America’s interests, fights diseases, fighting poverty, trying to stop wars. I am not afraid of the United Nations, and I think most of the American people in every poll, in every view, understand it is vital to our interests to be engaged.

My colleagues want to set standards for how it behaves, but they do not want to pay the bill. They keep tying it up in knots and time and time again. The deadbeat dad that, for a decade, has been behind on payments says, yes, the check will be in the mail, but you have got to take care of Mexico City. The check will be in the mail, but we have got to take care of it through the process in the House. We do not want to offend the House Committee on International Relations. The check is in the mail, but we have all these behavioral modifications we want to see.

We are not going to get the reforms that we want if we do not pay our fair share. We are not going to get the reduction in the rate that we are supposed to pay if we do not pay up. The longer we take to complete this process, the more it is going to cost the American taxpayer.

I close with what I started with. Today, unlike any time in the history of the world, this country, the United States of America, is the most powerful, in terms of real power, unequal in history, not the Romans, not the Greeks. No Nation on Earth has this kind of power, this kind of wealth, this kind of influence on every corner of the globe.

In this Congress, if we continue to be irresponsible in how we fulfill our obligations, we will squander that leadership and come back here a decade
from now seeing conflict arise again, losing our voice in the United Nations, losing our ability to influence the future of this planet for better.

Our children are better situated today than any children in the history of our world. Let us not squander that leadership.

Pay the bill, and we will be able to reform the U.N. and achieve the goals we seek in the world.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just let me make a quick observation on how we got here in terms of the so-called arrearages. If one looks at the aggregate, the $926 million, a portion of that had to do with legislative policy withholding. For example, no funds for the implementation for the General Assembly resolution which equated racism equals Zionism; the Kassebaum-Solomon amendment, which withheld 20 percent of U.S. assessed dues to the U.N. and specialized agencies unless those agencies granted voting rights on budgetary matters proportionate to budget contributions by each country. These were important policies, there was nothing frivolous about withholding funds to encourage reform.

In 1994, the House & Senate passed, and the President signed, legislation, best described as burden-sharing legislation that said the U.S. is going to reduce its contribution to peacekeeping from 31 percent down to 25. Since 1996, our contribution has dropped from 31 down to 25. That is one reason why we have such an enormous so-called arrearage at the U.N.

We lowered our subsidy in a way reminiscent of our efforts to get other NATO nations to share more of the defense burden in Western Europe. We took the bull by the horns and lowered US contributions to U.N. peacekeeping—assessed peacekeeping—down to 25 percent. This talk about the U.S. being a deadbeat is absurd. We pay more than our fair share.

So I must register my very strong opposition to this amendment, offered by the gentleman from Ohio (Mr. Hall), my very good friend. Let me note that I would like nothing better than to pay our deadbeat benefactor—Mr. Chairman, that is necessary for a true dispute resolution, we would seriously undermine and likely defeat the prospects for real reform. We would enable and empower continued bad behavior on the part of the U.N. officials and specialized agencies.

Mr. Chairman, again I want to respond to this spurious accusation that the U.S. has been a deadbeat in its financial support of the United Nations. Rhetoric like that is particularly embarrassing when it comes from the mouths of the U.S. officials whose job it is to defend our interests, and it does violence to the facts about the relationship between the United States and the U.N.

It would be far more accurate to say that the United States is by far the U.N.'s largest benefactor. Not deadbeat, benefactor—with a capital B.

Consider this in the first 51 years of the U.N.'s existence, the United States paid approximately $35 billion into the U.N. system and somewhere between $6 and $15 billion additional dollars for costs for U.N.-authorized peacekeeping missions. That amount dwarfs the contributions of all other countries in the world.

In fiscal year 1997, for example, the U.S. paid roughly three times more into the U.N. system than Germany. The U.K. donates Five percent, that is all. We are 25 percent dues to 31 percent peacekeeping. We give five times more than France, 35 times more than the People's Republic of China. They are only 1 percent. Time for some burden-sharing adjustments, it would seem to me.

Last year, Uncle Sam provided $1.5 billion to the U.N. and $300 million of that was voluntary not assessed. And we get no credit for that. In most cases we are glad to give it, to advance humanitarian goals that feed, clothe and vaccinate children.

Still Mr. Chairman, many Americans and their representatives are deeply skeptical of some of the U.N.'s work. We are seeing the waste and the fraud and the abuse that is rampant, some feel that drastic cuts in the U.N. funding are in order.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. Smith) has expired.

(By unanimous consent, Mr. Smith was allowed to proceed for 3 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, some believe that the U.N. owes the U.S. for billions of dollars we spent in support of U.N. authorized peacekeeping missions that have been paid for by our government. An amount many times larger than the amount that the U.N. claims that we owe.

As a matter of fact, a 1996 GAO report looked at just a few peacekeeping missions, Haiti, the former Yugoslavia, Somalia, and Rwanda, and found that, in just 4 years, from 1992 to 1995, the U.S. Government shelled out $6.6 billion. None of that $6.6 billion or any of the other money that has gone for the so-called incremental military costs is reflected anywhere in the computation about what we have donated to the U.N. and has nothing to do with the U.N. arrearages debate. We get no credit for it.

If we had all U.S. donations on the table, with absolute transparency, the aggregate of funds that American taxpayers give would make this arrearage fight look frivolous.

Mr. Chairman, let me also point out that some top U.N. officials, got their jobs, not because of their qualifications, but as a form of patronage for member states. That needs reform.

There is no effective inspectors general for the various specialized agencies against waste, fraud, and unethical conduct, no effective protection for whistleblowers, no effective system of personnel evaluation.

The U.N. continues to have major difficulties controlling their own spending. When actual spending exceeds the budget adopted by the General Assembly, nothing happens. It just exceeds the amount.

The U.N. procurement system is almost as scandalous as the personnel and budget systems. There are no requirements of public announcements, and contracts are awarded under dubious and questionable criteria.

All these defects, Mr. Chairman, need to be fixed, and they need to be fixed now. Last year, we made a sincere effort. The foreign relations authorization bill passed by the House and Senate required the U.S. share of dues to be reduced to 20 percent and, importantly, required before we provided this money that it drop from 31 to 25 percent for assessed peacekeeping. Of course this change at the U.N. would comport with U.S. law. Again, remember, we passed the law; it is part of the U.S. code, that we are not going to pay more than 25.

Among other important reforms, the authorization bill we passed last Congress also contained tough conditions against U.N. attempts to violate U.S. sovereignty, to march a register blocking army, or impose a U.N. tax. All of that is “waived” in the language that Mr. Hall offers today.
Vote 'no' on the Hall amendment. Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Hall amendment. I come from the old school. I believe that if one wants to do something, one should do it in a way to do it. If one really does not want to do it, one makes excuses as to why it cannot be done.

We have in this Congress, for the past several years, nitpicked to death our arrearages. It is kind of involving. The United States’ dues that are owed to the United Nations. I am embarrassed and ashamed that the United States has not paid its dues, and I am embarrassed and ashamed that we use every other issue as a rationale as to why somehow or other the United States cannot pay its dues.

Everyone here says, oh, yes, we think that the United States will pay its dues and can pay its dues, and we are still in negotiation and still doing this and we are sorry. But here we year after year after year after year, and nothing changes.

We have the United Nations working group here, co-chaired by myself and the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Iowa (Mr. LEACH) and the gentleman from Connecticut (Mr. SHAYS). We did not think that month after month, year after year, we would still be fighting for the same thing. So a time has really come for us to put up or shut up.

The United Nations arrearages should not be mixed in with abortion language or Mexico City or any other issue or any of the reforms or any of the things, the negotiations between the Senate and the House. We owe that money, and that money ought to be paid. It is an embarrassment that it is not paid.

Poll after poll has shown that anywhere from two-thirds to three-quarters of American people support our paying the dues which we owe. Do my colleagues know that every former Secretary of State that is living, Republican and Democratic serving in Republican and Democratic administrations, supports the paying of the U.N. dues? Every one. Republican and Democratic, supports it.

Now, the U.N. has undergone reforms. It needs more reforms. But let us not pretend they have not tried and made great strides in improving themselves over the past years.

The U.N. has an inspector general. They have reduced their peacekeeping costs substantially. These are all things that we have demanded they do. They have responded. They have had a zero growth now for 6 years. There are 900 positions cut in the United Nations. So they are responding to what we are saying. They ought to respond more. But as was pointed out by several of my colleagues, we have not responded more if we do not pay our dues? If we do not pay our dues and we have this arrogant attitude and we are thumbing our nose at the world body, well, why should they respond to our demands for reform?

But if we are paying what we owe, then we have a right to be influential, and we have a right to say what we feel, and there will be a response; and there has been a response.

But it seems to me that we cannot talk out of both sides of our mouth. What really upsets me and has not come out in what I have sort of an underlying feeling among many colleagues here, particularly on the other side of the aisle, underlying feelings of hostility towards the United Nations, that somehow the United Nations is here to tell us what to do or to dominate us or not act in the interest of the United States.

I think it is quite the opposite. I think the United Nations does work in the interest of the United States and in the interest of peace throughout the world.

We have seen in crisis after crisis, in incidents such as in Kosovo and in Iraq and all over the world that we can utilize the United Nations to back up United States policy. But are we again in a better position to do that if we do not pay our dues or are we in a better position to have the United Nations back up U.S. foreign policy if we do pay our dues? I think it is quite evident that if we pay our dues we will have more influence in that body.

So I think what the gentleman from Ohio (Mr. HALLE) is trying to do, and he is showing the frustration that all of us feel, is that simply the United States ought to pay its dues and this Congress ought to have an up or down vote on the paying of the dues, not mixed into any other issue, not blown away because we are having a fight with the Senate or some people here do not like the administration or some people here feel strongly about other issues. We owe the money, we ought to pay the money.

The United Nations is an important organization, the United States is the leader of the world, and we ought to do what is right. And what is right is to pay our dues, and what is right is for this Congress to unequivocally say let us stop bashing the U.N., let us stop bashing other nations, let us act like leaders for a change. We are the leaders, we ought to be the leaders, and we ought to pay what we owe. Support the Hall amendment.

Mrs. MORELLA. Mr. Chairman, I move in support of the amendment offered by the gentleman from Ohio. It is pretty straightforward. I think we have heard all sides about the issue. What it simply does is it strikes some language that is in the bill which requires that funds that are appropriated must be authorized before they are disbursed.

The bill’s funding includes the third and the last installment on our arrears payments to the United Nations. However, the U.N. has been unable to receive any of the money which was previously appropriated because it was conditioned, as is the money in this bill, on the passage of an authorization bill which has not passed. The other body has crafted an agreement with the administration to deal with the question of U.N. reforms and has approved repayment of our arrears by a large margin. But the House has been unable to follow suit because passage of the U.N. authorization has been tied to unrelated issues.

Release of these funds is particularly important because we are facing the possibility of losing our vote in the General Assembly. Every living former Secretary of State, including James Baker, Alexander Hauge, George Schultz, Henry Kissinger all support repayment of our U.N. arrears.

They support U.N. funding not only because it is a legal obligation but because it serves our national interest in contributing to global peace, prosperity, and security, and because it serves humanitarian caregivers, assisting refugees, improving human rights, and establishing the rule of law.

Our continued failure to honor our obligation threatens our interests by threatening the U.N.’s financial and political viability.

I have great respect for the chairman of the authorizing committee, very great respect, he is my friend, and I do want him to know that I do think that this amendment is appropriate and I urge support for the Hall amendment.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I think the gentlewoman for yielding to me.

The United States needs to pay up. That is very basic. Crippling the U.N. by withholding U.S. economic support will not only hurt the reputation of the United States in the world community, but it will make it even more difficult for the U.N. to push forward with needed reforms.

I say needed reforms because, as this debate has brought to the surface, this Congress, on a bipartisan basis, has said quite emphatically that certain reforms are very much in order, not just in the interest of the United States but in the interest of the long-term effectiveness of the United Nations.

Personally, I do not think we hear enough about the U.N. successes: The feeding of over 50 million people last year, the immunization of hundreds of thousands of needy children, reducing the use of ozone-depleting substances, and a whole laundry list of good deeds.

Now, more than any other time in history, countries are connected through problems, since many problems today
are global in scope. The U.N. has been the only body to convene all parties to broker agreements on these global issues.

Now, the U.N. has not always succeeded, but its successes have been many. We always try to achieve such goals as arms control negotiations, nuclear sites inspection, crossborder pollution, crime, drugs, armed trafficking, money laundering, and epidemics, all of which are beyond the capability of any one country or group of countries to handle. So much of the world is being debated these issues in an international forum rather than fighting about them on some distant battlefield.

Mr. Chairman, a strong majority of Americans favor paying our U.N. dues. They understand that if we belong to an organization and that organization has dues, the obligation is to pay those dues. That is basic. We should heed their wisdom and pass the Hall amendment. The world counts on the U.N., it is time that the U.N. can count on the U.S.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a representative from California, specifically San Francisco, where the U.N. was born, I rise with particular pride today in support of the Hall amendment. In our community, we have a great appreciation for the United Nations and the work that it does. So I rise today to say let us pay our dues to the U.N.; and, in addition to that, let us give the U.N. its due.

It is a great institution. It is capable of helping to solve many problems in the world on a multilateral basis. We have urged the U.N. to put a new leader in and, with U.S. support, that happened; and we still turn our back.

I am pleased as a representative of San Francisco to join my colleagues from New York, where the U.N. is domiciled, in praise of the United Nations and its work. And I am very, very pleased to salute the gentleman from Ohio (Mr. HALL) for his courage and his leadership in bringing this amendment to the floor.

Everyone is making a little sacrifice on this issue so that we can have a big payoff for poor people in the world, for protecting the environment, for promoting the rule of law and human rights throughout the world.

This debate, to me, seems full of contradictions. On the one hand we are told by our colleagues who oppose the U.N. that their objection to U.N. funding was based on concerns about inefficiencies and bureaucracy at the U.N. Those issues have been addressed. Certainly more needs to be done, but we are in the process of improving that. The U.N. has already implemented significant reforms, and the Hall amendment preserves the package of U.N. reforms in the State Department authorization bill.

Another contradiction we hear here is that we need to have more say at the U.N. But by not paying our dues, we will lose our vote in the General Assembly. I cannot believe that this body, this House of Representatives, would even consider allowing such a step to occur. But, unfortunately, we have not that reputation in the past, and there is a real possibility that we will vote that way again this year and lose the vote. Passage of the Hall amendment is a step toward ensuring that Congress takes the right path this year, the path to paying our U.N. arrearages.

Now, another contradiction I hear, the distinguished majority leader came to the floor and over and over and over again he said that we must respect the sanctity, or whatever the word he used, of the authorizing committee, or of the committee process. I think that is an excellent idea, and I think that we should start to do it soon, but we must be consistent.

If that was the gentleman's view, I wish he would have stood with us on this floor last week when we did not want the Smith amendment, an authorizing measure, made in order on an appropriations bill to stop the U.N. population funds from going forth. I thought let us be consistent or else let us not sing as a mantra that we must protect the committee system if we are doing it very selectively.

Another contradiction is that the U.S. must not be the policeman of the world, and we must not bear all the burden of peacekeeping and resolving conflict in the world. And yet we are ready to turn our backs here today, hopefully not, on the institution of multilateralism, the most significant instrument that we have at our disposal to solve the world's problems in a multilateral way, and that means with financial resources, intellectual resources, energy, idealism and the rest. It is a reality that today our ambassador will be sworn in, will be confirmed on the Senate side, Richard Holbrooke. I do not know if I am allowed to say that, Mr. Chairman. When he is confirmed, and our ambassador goes to the U.N., a position of high honor in our country, the ambassador to the U.N., when he goes there, we want him to be able to serve effectively. We want him to be able to hold his head up high, that we have paid our dues and given our dues respect to the United Nations and what it does.

So that is why I commend the gentleman from Ohio (Mr. HALL), because I know it is with considerable sacrifice and compromise that he puts this amendment forward. Everyone is making a little sacrifice. I hope we all can so that we can pass the Hall amendment and hold our heads up high at the U.N.

Mrs. KELLY. Mr. Chairman, I rise today to oppose the amendment offered by the gentleman from Ohio, (Mr. HALL). This amendment would allow the United States to make good on its commitment and pay $244 million in arrearages to the U.N. Unfortunately, it does so while dismissing the work of a bi-partisan, bi-cameral coalition which has worked together with the Administration, as well as the Secretary of State, to achieve broad agreement as to the reforms that need to be made in the U.N. so that the U.S. and its citizens can continue to work with the U.N. in good faith.

The Appropriations Subcommittee on Commerce, Justice and State, under the leadership of Chairman Rogers, has brought forth a bill that includes two very responsible reforms dealing with the U.N. budget. Additionally, the Subcommittee in their wisdom, also made the payment of the $244 million in arrears, contingent upon authorization language by the House Committee on International Relations. Currently, the House is in Conference with the Other Body to reconcile the differences between the two authorization vehicles. It is important that the Conferences are able to continue their bi-partisan, bi-cameral work on this legislation. It is expected that this Conference will be addressing the need for U.N. reforms, as well as the need to pay our arrearages.

Mr. Chairman, this amendment prematurely seeks to address the concern that the arrearages will not be authorized. The Other Body has worked with the Administration and the Executive Agencies to ensure that all parties are in agreement about the conditions to which we appropriate these monies for the U.N. I will vote against this amendment to preserve the agreement made by these groups. I firmly believe that we must live up to our obligations and pay our U.N. debts, but I want to be clear. I believe the best way to do this is to allow the Conferences to complete their consideration of these measures and not legislate this matter on an appropriations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HALL).

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

RECORDED VOTE

Mr. HALL of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 221, not voting 7, as follows:

[Roll No. 380]

AYES—206

Abercrombie  Blumauer  
Ackerman  Boozerman  Clement
Allen  Borenstein  Conklin
Andrews  Boozman  Conyers
Baird  Boucher  Cooksey
Balanced  Boyd  Coney
Balduin  Broyd  Cramer
Barrett (WI)  Bratton (PA)  Crowley
Bass  Brown (FL)  Cummings
Becaerav  Brown (OH)  Davis (FL)
Beneden  Brown (MI)  Delfino
Berkley  Capuano  Delagato
Berman  Cardin  DeGette
Bishop  Carper  DelMonte
Blagovich  Clay  Delauro

Deutsch
Mr. STEARNS. Mr. Chairman, pursuant to the permission previously granted, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. STEARNS:

On page 72, line 3, strike "$2,482,925,000" and insert "$2,482,305,000." Mr. STEARNS. Mr. Chairman, there are times when Congress must act to protect the interest of individuals, in particular Federal civil servants, who have been unfairly harmed by the actions of the Federal Government. In this instance, the Federal employee is Linda Shenwick.

I had intended to offer an amendment that would have presented the expenditure of the Secretary of State's expenditures until Linda Shenwick was reinstated, reimbursed and had her personnel files expunged of negative information and evaluations.

Unfortunately, this was difficult under existing House rules for appropriations bills. Therefore, I have drafted an amendment that will reduce the general administration expenses for the Department of State by an amount equal to $5 million in order to send a message that this body objects to the treatment of an innocent Federal civil servant.

But, Mr. Chairman, I intend to withdraw this amendment after engaging in a colloquy with the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Indiana (Mr. BURTON). I would like to commend the gentleman from Kentucky for agreeing to work with us to attempt to defend Linda Shenwick and attempt to have her reinstated. In addition, I would like to express my gratitude to the gentleman from Indiana, the chairman of the Committee on Government Reform, to conduct a hearing on how this Federal whistle-blower, Linda Shenwick, has been illegally removed from her position, and to create a solution which would reinstate, reimburse her for her personal expenses, and have her personnel records expunged of negative information.

In the performance of her duties, she came across time and time again evidence of deliberate waste, fraud and abuse in the United Nations. When she began reporting such evidence to the United Nations, her reports were ignored. So how has the Clinton administration and the State Department rewarded this stellar career employee? They actually began to hurt her career by threatening her directly with removal from her position, threats to destroy her financially, and by beginning a process of false accusations and unsatisfactory reviews to harm her personnel file.

She has been unfairly and illegally removed from her Federal position in contradiction to Federal laws to protect civil servants and in contradiction to Federal laws to protect whistle-blowers. It behooves us to concern ourselves with this case and Congress to act now to protect the interests of an exemplary public servant.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield? Mr. STEARNS. I yield to the gentleman from Indiana.
we are not going to stand still in this Congress and let people be penalized who are telling Congress about this kind of waste, fraud and abuse. Ms. Shenwick should be vindicated. That is why we are both talking to the chairman of the appropriations committee, the gentleman from Kentucky, to see if something cannot be done.

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

Mr. STEARNS. I yield to the gentleman from Kentucky.

Mr. ROGERS. I appreciate the gentleman bringing this case to the attention of the body. I agree with the gentleman that whistle-blowers play a vital role in identifying and eradicating waste, fraud and abuse in government. Also, I agree that such individuals should be protected from reprisals and that we have a responsibility to support them in that respect.

I want to assure the gentleman that we will take a close look at this particular case, and if it is determined that this person has suffered reprisals as a result of making the Congress aware of waste, fraud and abuse at the U.N., we will take appropriate action in accordance.

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

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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

I understand what the three gentlemen who spoke are trying to accomplish, but I just want to say that this is a very serious situation. We spoke about it yesterday. We should speak about it again. First of all, this whole situation is a very serious situation. We spoke about it yesterday. We should speak about it again. First of all, this whole situation is a very serious situation. We spoke about it yesterday. We should speak about it again.

Mr. SERRANO. I rise to express my very deep disappointment that there is no funding for the East-West Center in this appropriations bill. As my colleagues know, several days ago the House debated this matter about funding the East-West Center as well as the North-South Center and the Asia Foundation, and by an overwhelming vote the provisions for funding in the authorization bill were held. In the case of the East-West Center, it was funded at $17.5 million.

The East-West Center is an internationally respected research and educational institution that was based in Hawaii 39 years ago. It was a bipartisan effort by the Eisenhower administration, the Congress, and the center has worked very successfully to improve relations and understanding between the United States and the peoples of the Asia and the Pacific Islands, by the leaders of these nations, prime ministers, ambassadors, scholars, people that are in business, in journalism, have traveled from all over the Pacific region to come to study at the East-West Center. Mr. Chairman, it is not something which we have an proprietary interest as the State of Hawaii. It is a national institution, and it serves more than half of the world’s population and has provided some tremendous input to the scholars that come to, those who study, as well as to the country as a whole.

We have very, very important programs ongoing, and to each year face this situation of no support from the Committee on Appropriations is very, very disturbing.

Mr. Chairman, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE). My colleague and I have worked very closely based on the awareness of the Members of this House how important this institution is.

Mr. ABERCROMBIE. Mr. Chairman, I see the distinguished members of the committee on international relations here, those who are associated with this bill. Mr. Chairman, I just want to make clear a personal note, if I might, to the other Members.

The East-West Center is a Federally chartered institution. It is not an entity which the gentleman from Hawaii (Mrs. MINK) or myself are associated with as Members of Congress per se. It is not an institution of the University of Hawaii or the State of Hawaii. It is of the United States as a Federally chartered institution and as a catalyst for friendship throughout all of Asia and the Pacific Rim.

I urge the Chair, and I urge the committee members who will be conference members as they deal with the Senate, to have an open mind based on the facts as I have outlined them and the gentleman from Hawaii (Mrs. MINK) has outlined them, and based on the fact that the East-West Center is very much in the strategic interests of the United States as a Federally chartered institution and as a catalyst for friendship throughout all of Asia and the Pacific Rim.

I urge the Chair, and I urge the committee members who will be conference members as they deal with the Senate, to have an open mind based on the facts as I have outlined them and the gentleman from Hawaii (Mrs. MINK) has outlined them, and based on the fact that the East-West Center is very much in the strategic interests of the United States as a Federally chartered institution and as a catalyst for friendship throughout all of Asia and the Pacific Rim.

Mrs. MINK of Hawaii. Mr. Chairman, the most powerful force of the United States in the Pacific region has always been our ideas, and the East-West Center is a place where these ideas can be shared by the people who will be the future leaders of the Asian Pacific country, and therefore it seems to me that it is so obvious that the national interest is centered in the maintenance and in the increasing of the possibility of the East-West Center to have its influence over the Asia Pacific area.

So each year when we confront this negative funding from this body, it is very discouraging, and I know that we do rely upon gifts from the Asian Pacific community, both from individual companies, but in every case they set the parameters of how this money is to be spent. We want to give the East-West Center a strong foundation, a
strong basis on which our points of view, our ideas, our philosophy, our political approach, our understanding of democracy can be the center for our existence as an institution; and therefore I would hope that the members of this committee will take that outlook as they meet with the Senate on this matter.

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

Mr. Chairman, as we vote today for or against the appropriation that will pay for the State Department’s operating expenses, I would like to draw the attention of my colleagues to an ongoing controversy concerning the State Department’s dealings with the Taliban regime that now controls Afghanistan. The Taliban, I remind my colleagues, have been ruling most of Afghanistan with an iron fist. They are competing with the SLORC dictatorship in Burma for the role of the world’s largest producer of human rights abuses.

They have systematically persecuted anti-American terrorists like Osama bin Laden and other murderers who have killed and maimed Americans in attacks like those on American embassies in Africa.

The Taliban, fanatical leaders are waging a war of terror and repression against anything that they deem Western and have singled out women in Afghanistan as the targets of their medieval wrath. In short, they are to women what the Nazis were to Jews in the 1930’s. Specifically, they are a monstrous threat to the freedom and well-being of tens of millions of women who live in Muslim countries around the world.

Now here is the kicker. Under the Clinton administration, the Taliban has established control over most of Afghanistan and has wiped out its opposition. Rather than being a force to combat the expansion of the Taliban, it appears that the United States under this administration has acquiesced to Taliban rule and even undermined the resistance to the Taliban. In short, it appears that the United States may have a covert policy of supporting the Taliban.

As a senior member of the Committee on International Relations, I requested documents well over a year ago that the State Department has refused to provide. In November of last year, Secretary Albright promised the Committee that the requested documents would be forthcoming. As far as I am concerned, you, Secretary Albright and the Administration, have continued intransigence in meeting this lawful request for official documents.

I move to strike the last word.

The CHAIRMAN. If there are no further amendments to this section, the remainder of title IV be considered as read, printed in the Record and open to amendment at any point.

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

There was no objection.

The text of the remainder of title IV is as follows:

INTERNATIONAL COMMISSIONS

For necessary expenses in order to meet the obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For the next fiscal year, for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States, including not to exceed $6,000 for representation; as follows:

Mr. ROGER. Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the Record and open to amendment at any point.
For salaries and expenses, not otherwise provided for, $19,551,000.

For detailed plan preparation and construction of authorized projects, $5,750,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1996 (22 U.S.C. 2696(c)).

American Sections, International Commissions.

For necessary expenses, not otherwise provided for, authorized by the United States Information and Broadcasting Board of Governors, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission established by Public Law 104-182, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

International Fisheries Commissions.

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $34,549,000: Provided, That the United States' share of expenditures of the Northwest Fisheries Commission as authorized by chapter 14 of title 3, United States Code; for services as authorized by 5 U.S.C. 501, 502 for which payment is not otherwise provided for, $1,000,000, to remain available until expended for official representation of the United States in fisheries commissions, not otherwise provided for, as authorized by law, $14,549,000: Provided, That not to exceed $35,000 may be used for represenations within the United States as authorized by section 5206(c) of title 22, United States Code; not to exceed $35,000 may be used for representation in Cuba, $410,404,000, of which not to exceed $16,000 may be used for representation in Mexico, and not to exceed $30,000 may be used for representation in Canada, $240,000,000, to remain available until expended, as authorized by section 24(c) of the Department of State Basic Authorities Act of 1996 (22 U.S.C. 2696(c)).

For expenses necessary to enable the International Joint Commission and the International Boundary and Water Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission, established by Public Law 104-182, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

International Broadcasting Operations.

For necessary expenses of the Israeli Arab Broadcasting Fellowship Program, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2000, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 501 or 502; and for services for which payment is not otherwise provided for, as authorized by section 24(c) of the State Department Basic Authorities Act of 1996 (22 U.S.C. 2696(c)).

Eisenhower Exchange Fellowship Program Trust Fund.

For necessary expenses of Eisenhower Exchange Fellowship Program Trust Fund, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2000, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 501 or 502; and for services for which payment is not otherwise provided for, as authorized by section 24(c) of the State Department Basic Authorities Act of 1996 (22 U.S.C. 2696(c)).

Radio Broadcasting to Cuba Act.

The Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1949, as amended, Reorganization Act of 1970, 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, including the purchase, installation, construction, and improvement of facilities for radio and television transmission and reception to Cuba, $410,404,000, of which not to exceed $16,000 may be used for representation in Mexico, and not to exceed $30,000 may be used for representation in Canada, $240,000,000, to remain available until expended, as authorized by section 24(c) of the Department of State Basic Authorities Act of 1996 (22 U.S.C. 2696(c)).

For necessary expenses of the National Endowment for Democracy, United States, $98,700,000, to remain available until expended.

For necessary expenses of the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,000,000 to remain available until expended.

Related Agency.

Broadcasting Board of Governors.

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Education Exchange Act of 1948, as amended, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1949, as amended, Reorganization Act of 1970, 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, including the purchase, installation, construction, and improvement of facilities for radio and television transmission and reception to Cuba, $410,404,000, of which not to exceed $16,000 may be used for representation in Mexico, and not to exceed $30,000 may be used for representation in Canada, $240,000,000, to remain available until expended, as authorized by section 24(c) of the Department of State Basic Authorities Act of 1996 (22 U.S.C. 2696(c)).

For necessary expenses of the National Endowment for Democracy, United States, $98,700,000, to remain available until expended.

For necessary expenses of the National Endowment for Democracy, United States, $98,700,000, to remain available until expended, as authorized by section 24(c) of the Department of State Basic Authorities Act of 1996 (22 U.S.C. 2696(c)).

For necessary expenses of the National Endowment for Democracy, United States, $98,700,000, to remain available until expended.

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, as amended, $5,400,000, to remain available until expended.

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, as amended, $5,400,000, to remain available until expended.

For administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

Maritime Administration.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, payments received therefrom shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

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

Mr. Chairman, I wonder if the gentleman from Kentucky (Mr. ROGERS) would engage me in a brief colloquy?

I thank the gentleman for his indulgence. I want to thank him for his excellent work on the bill. I know he has worked hard and I think he has done some difficult choices, and I think he has produced a great product.

I would like to ask him about funding for the National Veterans Business Development Corporation. The bill authorized in this program, H.R. 1568, passed the House by a voice vote, has not yet passed the Senate. We certainly expect it to soon. It was originally my intent to offer an amendment providing the $2 million necessary for that program, but that would have been subject to a point of order.

It is my understanding the Senate will pass H.R. 1568 soon, perhaps yet...
each Commissioner:

I would like to ask the chairman if once we have an authorization, he would be willing to work with me and the Senate conferees to see if we can obtain funding for this important program.

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

Mr. TALENT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am aware of the corporation and the gentleman's interest in the committee on small business to aid veterans through this program. However, because we were uncertain of the final form of the authorization, we did refrain from providing funding. It is my understanding that the bill is not being significantly changed. Therefore, I would be happy to work with the chairman of the Subcommittee on Small Business to see what might be accomplished in the conference.

Mr. TALENT. Mr. Chairman, reclaiming my time, I want to thank the chairman for his time. I appreciate his offer to work with me on this, and, more importantly, I thank him on behalf of the veterans and the small business community who will be helped by the dollars the fund is to receive.

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

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

For expenses for the Commission for the Preservation of America's Heritage Abroad, $265,000, as authorized by section 1303 of Public Law 99-63.

For necessary expenses of the Commission for the Preservation of America's Heritage Abroad, $265,000, as authorized by section 1303 of Public Law 99-63.

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No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

For expenses for the Commission for the Preservation of America's Heritage Abroad, $265,000, as authorized by section 1303 of Public Law 99-63.

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For necessary expenses of the Commission for the Preservation of America's Heritage Abroad, $265,000, as authorized by section 1303 of Public Law 99-63.

**SMALL BUSINESS ADMINISTRATION SALARIES AND EXPENSES**

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105-135, including the cost of modifying such loans, as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $245,500,000: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2000, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(e)(1)(B)(ii) of the Small Business Act, as amended.


**BUSINESS LOANS PROGRAM ACCOUNT**

For the cost of direct loans, $762,000, to be available until expended; and for the cost of guaranteed loans, $128,030,000, as authorized by 15 U.S.C. 737, of which $45,000,000 shall remain available until September 30, 2001: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2000, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(e)(1)(B)(ii) of the Small Business Act, as amended: Provided further, That during fiscal year 2000, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act; Provided further, That during fiscal year 2000, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(e)(1)(C)(iii) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred and merged with the appropriations for Salaries and Expenses.

**ADMINISTRATIVE PROGRAM—SMALL BUSINESS ADMINISTRATION**

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfer. Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation in the fiscal year in which transferred or in any subsequent fiscal year. (a) the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming.

**Mr. ROGERS.** Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the Act, and open to amendment at any point.

**THE CHAIRMAN.** Is there objection to the request of the gentleman from Kentucky?

**There was no objection.**

**THE CHAIRMAN.** Are there any amendments to this section?

If not, the Clerk will read.

As read, the Clerk reads as follows:

**TITLE VI—GENERAL PROVISIONS**

**SEC. 601.** No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

**SEC. 602.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**SEC. 603.** The expenditure of any appropriation under this Act by a consulting services contractor is subject to public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

**SEC. 604.** If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

**SEC. 605.** It is the sense of the Congress that funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act, shall be available for obligation in the fiscal year 2000, or provided under previous Appropriations Acts to the agencies funded by this Act, or provided under existing law, or under existing Executive order issued pursuant to existing law.

**SEC. 606.** If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

**SEC. 607.** (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity, any funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(C) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Administrator of the Small Business Administration shall enter into any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

**SEC. 608.** None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is determined by the Equal Employment Opportunity Commission that such guidelines do not differ in any respect from the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266).

**SEC. 609.** None of the funds appropriated or otherwise made available by this Act may be used to implement, administer, or enforce any guidelines of the Commission on Human Rights of the Socialist Republic of Vietnam that was operating on July 1, 1995; (2) funding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 1, 1995; (3) funding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 1, 1995; or (4) in computing the total number of Vietnamese American citizens residing in United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 1, 1995; unless the President certifies within 60 days the following:

(A) Based upon all information available to the United States Government, the Government of Vietnam is cooperating in good faith with the United States in the following:

(i) Resolving discrepancy cases, live sightings, and field activities;

(ii) Recovering and repatriating Americans;

(iii) Recovering and repatriating American remains;

(iv) Accurately providing the names of prisoners of war and missing and in action.
(iv) Providing further assistance in implement-
ing trilateral investigations with Laos.
(B) The remains, artifacts, eyewitness ac-
counts, archival material, and other evi-
dence associated with prisoners of war and
missing in action recovered from crash sites,
method, and other locations in Southeast Asia
are being thoroughly ana-
lyzed. As a result, whenever that information
is made known to the Federal official having
authority to obligate or expend such funds
that the entity that employs a public safety
contact shall be made known to the FBI
directly (as such terms are defined in
 judicial proceedings), and shall be
considered sufficient for the
acceptance of the
appropriation.

SEC. 612. None of the funds made available
by this Act shall be used for any National
Oceanic and Atmospheric Administration
(Nutone) under the headings "Research, and
Development", and "Procurement, Acquisi-
tion and Construction" may be used to imple-
ment section 603, 604, and 605 of Public Law
102-507. NOAA may require
a modernization plan for its fisheries research
vessels that takes fully into account oppor-
tunities for fishing.

SEC. 613. Any costs incurred by a Depart-
ment or agency funded under this Act result-
ing from personnel actions taken in response
to funding reductions included in this Act
shall be absorbed within the total budgetary
resources available to such Department or
agency, and may not be used to transfer funds
between appropriations
accounts as may be necessary to carry out this
section is provided in addition to authorities
included in this Act. Provided
further, that use of funds to carry out this
section shall be treated as a reprogramming of
funds under section 605 of this Act and shall
not be subject to the third obligation or ex-
penditure except in compliance with the pro-
cedures set forth in that section.

SEC. 614. None of the funds made available
in this Act to the Federal Bureau of Prisons
may be used to distribute or make available
any commercially published information or
matter unless that information is made
publicly available, and that information
must be made known to the Federal official having
authority to obligate or expend such funds
that the information or material is sexually ex-
plicit or features nudity.

SEC. 615. Of the funds appropriated in this
Act under the heading "Office of Justice Pro-
gams—State and Local Law Enforcement Assistance", not more than 90 percent of the
amount to be awarded to an entity under the
Local Law Enforcement Block Grant shall be
made available to such an entity when it is
not been submitted to the Senate for advice
and consent to ratification pursuant to arti-
cle II, section 2, clause 2, of the United States
Constitution, and which has not en-
tered into force pursuant to article 25 of the
Protocol.

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

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 108, strike line 22 and all that follows
through page 109, line 8 (section 620).

Mr. INSLEE. Mr. Chairman, we are propos-
ing an amendment which many of us believe
will address an issue which we have all long
ignored, and that is the issue of global cli-
mate change. Unfortunately, the language of
the bill at this moment contains lan-
guage which would prevent us from ad-
ressing this important issue on an
international basis.

The language specifically we are ad-
ressing is in section 620 of the bill, and,
unfortunately, the existing lan-
guage of the bill would prevent any ex-
penditure of funds in preparation for
implementation of the Kyoto Protocol
regarding global climate change. The
problem with this language is that it will
prevent our diplomatic efforts to bring forth the developing world into
our efforts to get a handle on global
climate change.

Many of us know that in the Kyoto
Protocol, despite its adoption, we have
a desire, and the administration has
expressed a desire, to work with devel-
opning nations to get the developing na-
tional to agree to the protocol, to agree
to research in new technologies, to try
to reduce our emissions globally, the
developed world and the developing
world, to reduce CO2 emissions and pre-
vent the kind of summers we have had
recently.

We need to remove this language, be-
cause, unfortunately, the Nation is
coming to feel like Time Magazine. If
you see this week’s Time magazine,
there is an article that is entitled
"Capitol Hill Meltdown." The subtitle
is while the Congress fiddles over mea-
sures to slow down future climate
change.

Now, there is lots of work to be done
between here and now on the solution
to this problem, but the one thing we should
not do, the one thing we cannot
do, is shoot ourselves in the foot in an
attempt to agree to limitations, to agree
to fiddles over measures to slow down fu-
ture climate change.

Many of us believe and all of us
should believe that there should be no
cardinal sin in going forth and trying
to get others to talk with you inter-
nationally on how to deal with this
problem. I would encourage any Mem-
ber who has questions about this issue
when we finish our mysteries at the
beach this August to take a look at the
literature on this issue because there is
an overwhelming scientific consensus
that this phenomenon is occurring,
number one, and, number two, it is
going to continue to occur unless we,
on an international basis, do some-
thing about it.
So we are offering this amendment, which would allow us, internationally, to go to the developed nations and urge them to join us in efforts to reduce these emissions and to enter into international agreements.

I want to get to a point where we have made this world a cleaner place in terms of the air we breathe I think as much as anybody, but we are not going to do it in a constitutional bypass, and that is, frankly, what you do when you strike this language, you leave it open to that.

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

Mr. KOLLENBERG. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for being the author of this language that was inserted into this bill. Mr. Chairman, this is I think the sixth of these appropriations bills that this exact same language has been included in. The House has passed five previous bills this year, appropriations bills, with this same language, and it is included in this bill, and it is included in this bill for his efforts, because he has been the driving force behind our efforts.

This language was accepted I think unanimously in the full committee. I did not seek anyone objected to it. I would certainly oppose the amendment to strike it out, and commend the gentleman for putting the language in. I urge a "no" vote on the amendment.

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

Mr. KOLLENBERG. I yield to the gentleman from Kentucky.

Mr. FRANK of Massachusetts, Mr. Chairman, will the gentleman yield?

Mr. KOLLENBERG. Mr. Chairman, I move to strike the last line.

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I appreciate this discussion.

Let me just ask the chairman, does he believe it would be appropriate in this language for our State Department or other agencies of the government to do it in a constitutional bypass, and if the gentleman believes it is an appropriate expenditure under this language? Because that is our concern.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. KOLLENBERG. Mr. Chairman, let me just say that I went to both Kyoto and Buenos Aires, and we tried in the hardest way we could to get the developing nations to try to come into the umbrella of the Kyoto Protocol, to try to get them to agree to join us in some of the standards which many of us want to be implemented; we think the gentleman believes is an appropriate expenditure under this language? Because that is our concern.

Mr. KOLLENBERG. Mr. Chairman, I move to strike the last line.

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. FRANK of Massachusetts. Mr. Chairman, let me just say that I went to both Kyoto and Buenos Aires, and we tried in the hardest way we could to get the developing nations to try to come into the umbrella of the Kyoto Protocol, to try to get them to agree to join us in some of the standards which many of us want to be implemented; we think the gentleman believes is an appropriate expenditure under this language? Because that is our concern.

Mr. KOLLENBERG. Mr. Chairman, I move to strike the last line.

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. FRANK of Massachusetts. Mr. Chairman, let me just say that I went to both Kyoto and Buenos Aires, and we tried in the hardest way we could to get the developing nations to try to come into the umbrella of the Kyoto Protocol, to try to get them to agree to join us in some of the standards which many of us want to be implemented; we think the gentleman believes is an appropriate expenditure under this language? Because that is our concern.

Mr. KOLLENBERG. Mr. Chairman, I move to strike the last line.

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. FRANK of Massachusetts. Mr. Chairman, let me just say that I went to both Kyoto and Buenos Aires, and we tried in the hardest way we could to get the developing nations to try to come into the umbrella of the Kyoto Protocol, to try to get them to agree to join us in some of the standards which many of us want to be implemented; we think the gentleman believes is an appropriate expenditure under this language? Because that is our concern.

Mr. KOLLENBERG. Mr. Chairman, I move to strike the last line.

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. FRANK of Massachusetts. Mr. Chairman, let me just say that I went to both Kyoto and Buenos Aires, and we tried in the hardest way we could to get the developing nations to try to come into the umbrella of the Kyoto Protocol, to try to get them to agree to join us in some of the standards which many of us want to be implemented; we think the gentleman believes is an appropriate expenditure under this language? Because that is our concern.

Mr. KOLLENBERG. Mr. Chairman, I move to strike the last line.

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. FRANK of Massachusetts. Mr. Chairman, let me just say that I went to both Kyoto and Buenos Aires, and we tried in the hardest way we could to get the developing nations to try to come into the umbrella of the Kyoto Protocol, to try to get them to agree to join us in some of the standards which many of us want to be implemented; we think the gentleman believes is an appropriate expenditure under this language? Because that is our concern.
Mr. NOLLENBERG. If the gentleman from Massachusetts will yield further, let me respond by saying that this language has been very, very carefully crafted. It is not to say that I would be a cement wall in terms of resisting it, I never have been. I have continued to be open, and over three different occasions last year we changed this language. It has been in a state of evolution. I think it is a point where very honestly, even though we would entertain conversations or suggestions from anybody, it would only be to the extent of not spending dollars for implementation.

If we cross that line, and the gentleman from Wisconsin (Mr. OSEY) to his credit, and I respect him and thank him for it, shares that whole position. If Members read the amendment that was passed last year on the House floor, it will specify where we are on this business of implementation. I think it would be worthwhile rereading that.

Obviously I would be happy to talk to the gentleman in the future. But I would be afraid of that amendment. It is pretty specific about what we can or cannot do. We are not stopping research, we are not stopping development, we are not stopping voluntary movement. What we are saying, however, is do not spend any taxpayer dollars until the Senate ratifies the treaty.

So to that end, I am always willing to talk to anybody about this subject, and I am not stalling debate, but I think for purposes of this bill and at this moment, that I can just say to the gentleman, yes, we will have that conversation in the future. But I think this language should stand, because it is the bipartisan will, too. It is both bodies.

Mr. FRANK of Massachusetts. If hope still springs eternal, I yield again to the gentleman from Washington.

Mr. INSLEE. As a new Member, hoping still springs eternal. We will consider that a crack in the door, to some degree.

Mr. KNOLENBERG. If the gentleman will continue to yield, Mr. Chairman, the doors are not necessarily cracked, but we can talk out in front of those doors, if you will.

I do not mean to suggest this language is going down. I am just saying, I would be happy to talk to the gentleman about it.

Mr. INSELLE. Mr. Chairman, if the gentleman will continue to yield, I will say two things. We will withdraw the amendment at this time, but if I do think it very important for us in this Chamber to find out how we can get developing nations to join us to go forward on solving this problem so that our institution is not seen as the institution that puts our head in the sand on this issue, I will have a dialogue with the Chair and other Members.

Mr. UDALL of Colorado. Mr. Chairman, climate change is a global problem that requires a global solution. The Administration’s is engaged in a full court press to ensure that developing countries are part of this global solution and to ensure that international efforts to address climate change are cost effective. The Congress has called on the President to engage developing countries and to protect the economic interests of the United States.

Section 620 of the bill apparently would make it difficult—maybe impossible—for our government to advance these foreign policy objectives and interests of the United States.

Providing technical assistance to developing countries, sharing the U.S.’s successful experiences with market-based mechanisms and vigorously advancing U.S. business interests does NOT constitute a backdoor implementation of the Kyoto Protocol.

We should be encouraging the Administration to continue to advance the interests of the U.S. in the on-going international climate change negotiations. But instead, the language now in the bill directs us to put our heads in the sand. That’s the wrong message to send, and we should delete it from the bill.

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

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

There was no objection. The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TIAHRT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106-294 offered by Mr. Tiahrt:

At the end of title VI, insert the following:

SEC. 801. NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS.

No part of any appropriation contained in this Act may be used, directly or indirectly, to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of students who participate in programs for which financial assistance is provided from that appropriation or of the parents or legal guardians of such students.

The CHAIRMAN. Pursuant to House Resolution 273, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

AMENDMENT, AS MODIFIED, OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I ask unanimous consent to modify the language in my amendment, and to proceed with the modified amendment.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment modified in House Report 106-294, as modified, offered by Mr. TIAHRT:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available to the Department of Justice in this Act may be used to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

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

There was no objection.

Mr. TIAHRT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this Nation has a tradition of protecting religious liberties. Our forefathers fought for these liberties here and around the globe. Even today, we encourage other nations like Russia and China to respect the religious liberty of their own citizens.

But right here in our own government, under the guise of youth violence protection, we devalue and demean the religious liberty we have worked so hard to protect. Our own Justice Department has sanctioned literature that underlines the values and virtues our parents are trying to pass on to their children.

Specific faiths, such as Baptist and Pentecostal, have been linked to hate. Who knows what faith the Justice Department will denigrate next, the Jewish faith? The American Methodist Episcopal? Catholics?

In their curriculum, the Department of Justice ties prejudice directly to religious organizations, violating the long-held belief that our government will protect religious liberty for our citizens. All this amendment does is restrict the Department of Justice from spending our tax dollars to undermine the values that parents are trying to teach their kids.

All I am saying is we should not devalue the religious liberty we fought so hard to protect, both here in our own country and across the globe. This amendment respects parents’ faith and supports their efforts to raise children with a set of values in hopes of making a better America than the one we live in today.

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

The CHAIRMAN. Does any Member seek time in opposition?

Mr. SERRANO. I seek the time in opposition, Mr. Chairman, and I yield that time to the gentleman from Massachusetts (Mr. FRANK).

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, may I split the time and reserve some of it under that yielding?

The CHAIRMAN. Yes, the gentleman may.

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

Mr. Chairman, I understand the thrust of this amendment. Some of it
August 5, 1999

CONGRESSIONAL RECORD Ð HOUSE

H7343

seems to me unobjectionable, but I think it would be a mistake to adopt it. The gentleman did narrow it substantially. There is a mismatch between the description of the amendment and the text. There is less of a mismatch, but it is still one.

To me, the amendment as originally made in order by the Committee on Rules we did not object, because I do think it ought to be able to go forward without objection. But had we objected, it would have covered all programs in the Department of Commerce and the Department of State. It now, however, covers all Justice Department programs, so we are not now just dealing with juvenile justice.

To the extent that the Department of Justice funds any law school studies, this would be covered by this amendment.

Here are the problems. Discriminate against? No, we should certainly ban discrimination. I believe we already do by statute and the direct line that the government should not denigrate. But undermine? What about those who have a religious belief that evolution is a mistake? That would appear to include the majority whip of this House, from Massachusetts, on juvenile justice. If adopted, this amendment would prohibit any program funded by the Justice Department to teach evolution.

Among the religions, by the way, whose beliefs could not be undermined or denigrated would be the Nation of Islam. I mention that because they appear to me to have a creation theory that is very strange, and I would hope if that came up it could be undermined. This says we cannot fund any program through the Department of Justice, not just in juvenile justice but any program that undermines someone's religious beliefs, no matter how strange their religious beliefs. We cannot, under this bill, undermine beliefs of the Church of Scientology.

Now, this is not an opt-out. This is not an amendment that said that if you are personally offensive to Scientologists, Nation of Islam, and a few others, they can leave. No one can teach something which undermines the beliefs of those groups. I think our students are of sterner stuff, and not only should not be, but they cannot be protected in a free society from anything which would undermine their religious beliefs.

Indeed, we have religions which believe directly contrary things on common facts. There are different religions. We do religion no service if we homogenize it. There are sharply different versions of important fact questions and value questions among certain religions.

Do we then say that if we teach monogamy, we are violating the rights of those members of Islam who believe in polygamy? Polygamy is legal and practiced in many Muslim countries. That is the problem. We cannot literally come close to refraining from undermining religious beliefs.

So what we are doing here in the guise of protecting liberty is in fact to undermine it. We dumb down educational programs. Again, we are not just talking about violence protection programs, we are talking about anything that the Department of Justice funds.

If the Department of Justice wants to fund a study on this or that or the other and wants to bring law schools in, it cannot be involved. I do think it is legitimate to say there are religions which we do not need to teach. I think it is a good thing.

Do we not want the government officially to denigrate them, but I do not think we should say it in that way.

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

The CHAIRMAN. The Chairman would inquire of the gentleman from New York (Mr. SERRANO), does the gentleman from New York intend to control the time in opposition?

Mr. SERRANO. No, Mr. Chairman, the gentleman from Massachusetts (Mr. FRANK) controls the time.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from Massachusetts (Mr. FRANK) control the time?

Mr. SERRANO. Yes, I do.

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

Mr. Chairman, I would say that we are talking about dissenting views on evolution. I just think that we should not be in a position where we are picking one side or another in our tax dollars. We should just recognize both sides, and not demean one side or the other.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding time to me.

Too often when issues like this that have moral or religious overtones are raised here, they are rejected on theories of constitutional purity. The constitutional prohibition, for example, against the establishment of religions, or the companion philosophy of separation of church and state, many times become excuses for avoiding debates that focus on morality and character of citizens.

I believe that the erection of these phrases as roadblocks to such discussions is wrong and does a disservice to the intelligence of our children. Fathers, who never intended that governmental interaction with its people be sanitized of all religious flavors.

In fact, I think they intended exactly the opposite. They understood that it was the multitude of religious beliefs that undergirded the character of the citizenry. This amendment simply makes one small statement of reaffirmation of that concept by prohibiting those who receive funds through the Office of Juvenile Justice and Delinquency Prevention from using those funds to undermine or denigrate the religious beliefs of children or adults who participate in the programs.

I urge support for the amendment.  

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I appreciate the intellectual honesty from the gentleman from Kansas. He now makes it clear. The purpose and intent of this amendment would be, for instance, to prevent any program which taught evolution as a fact. But, by this reaction is contested. It would prevent, it would appear to me, any program which taught that monogamy was the preferred form of marital relationship since Islam, a very respectable religion, increasingly is represented, in America, in some of its forms allows polygamy. It is not allowed by American law; but, theoretically, there is strong support for it. There is also of course the position of the black Muslims.

So I would hope that we would not do this. I understand the intent, but the effect of this would be very severely to circumscribe the intellectual content of any program that is funded by the Department of Justice. I do not think we should make that assault in the name of something that is quite valuable, religious liberty.

So discriminate against, we should not do that; and denying people's religion, we should not do that. But when one prohibits undermining any religious tenant by any program from the Department of Justice, one quite literally would ban the chances of any school or individual ideas to teach any religious program and would, in fact, believe, undercuts a number of things.

Let me throw in one other. There are important religions in this country which believe that the death penalty is a mistake. These are people who have firm religious convictions that say "thou shalt not kill" is absolute. Pass this amendment, and no Justice Department study could, it seems to me, be funded to show the validity and importance of the death penalty.

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

Mr. Chairman, this legislation is not about the Scopes trial and evolution. It is not about monogamists or polygamy. It is not about the creation theory of Islam. This is about youth violence programs, and we do not think it is proper for the Department of Justice to take one side or the other when it comes to religious lives in the public arena.

Mr. Chairman, I yield the balance of the time to the gentleman from Indiana (Mr. SOUDER) to close.

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

Mr. SOUDER. Mr. Chairman, over-heated rhetoric aside, and let me make it clear, I do not think the Justice Department should be teaching evolution or creation; it is not the business of the Justice Department. In addition, do not believe the Justice Department should be advocating or not advocating the death penalty.
Studies are not affected here. This is the advocacy. Discriminate against, denigrating. Quite frankly, the word “otherwise” here is qualified by discriminating and denigrating. It says otherwise undermine, which is in the English language predicated on the first two definitions. I believe we are chasing a red herring here.

Religious freedom is a basic constitutional right in this country, as is freedom of speech. Obviously there are limitations in any right. No right to yell in a theater. No right to sexually harass. One cannot violate other laws. Christians should not use government funds to discriminate or to denigrate Hindus. Muslims should not use government funds to discriminate against or to denigrate Jews.

If Christians like myself, joined by nearly every other major religion on these particular points, believe that whatever predispositions one may or may not have that some behaviors are morally wrong, such as child sexual abuse or alcoholism or spouse abuse, the government has no right to denigrate charasmatics, Catholics, Mormons, Lutheran Hindus or anyone else who would hold such beliefs.

If one practices hate like those evil persons who murdered homosexuals, blacks, Christians, or Jews in our country, like those who have harassed through physical threats or church burnings, one has no protection for illegal and immoral acts here in America or without repentance eternally.

But where moral principles differ, the government has no business whatsoever in discriminating against, denigrating, or otherwise undermining religions and religious belief.

At a time when America is in a moral crisis, the last thing we need is the government attacking religions.

Mr. BASS. Mr. Chairman, I yield my time to the gentleman from Ohio (Mr. KUCINICH) for purposes of control.

The CHAIRMAN. Pursuant to House Resolution 273, the gentleman from New Hampshire (Mr. BASS) and a member opposed each will have 5 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I ask unanimous consent to yield 2½ minutes of my time to the gentleman from Ohio (Mr. KUCINICH) for purposes of control.

The CHAIRMAN. Without objection, the gentleman from New Hampshire (Mr. BASS) and the gentleman from Ohio (Mr. KUCINICH) each will control 2½ minutes.

There was no objection.

The Chair recognizes the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of this amendment, and I want to thank the gentleman from Virginia (Mr. BILLEY), chairman of the Committee on Commerce, and the gentleman from Kentucky (Mr. ROGERS), chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, for their good faith efforts to work on this amendment with me.

Mr. Chairman, this amendment addresses a problem that is needlessly affecting the telephone service of millions of Americans. Year after year, new area codes are created, and they are created unnecessarily. The reason for that is that the FCC has allocated telephone number blocks in blocks of 10,000 rather than 1,000. So the result is, if one has a central exchange in a small town or small area, one uses 9,999 numbers, and one only has a couple of hundred telephones.

What this amendment does is force the FCC to solve this problem by the end of March of next year so that we do not have a situation where, in 22 different States across the country, new area codes are assigned needlessly.

Mr. Chairman, this is not an issue of political philosophy. It is not an issue of partisanship. It is an issue of dealing with the bureaucracy.

I urge all my colleagues who support this amendment that it will save countless thousands of dollars to small businesses and families who have to adjust to new area codes needlessly because the FCC has not moved rapidly enough on their proposal to support this amendment and move forward.

Mr. Chairman, I also want to recognize and thank the chairman of the House Commerce Committee, Mr. BILLEY, and the chairman of the Commerce, Justice, State Appropriations Subcommittee, Mr. ROGERS, for their good faith negotiations on this amendment.

Mr. Chairman, a serious problem is needlessly affecting the telephone service of millions of Americans. Year after year, new area codes are created and imposed on consumers and businesses across the country. We could all understand and accept new area codes if we actually ran out of numbers in the old ones. The truth, however, is that more phone numbers in each area code are stranded by bureaucracy than ever get assigned to a residential or commercial line.

One of the main problems is that phone numbers are distributed in blocks of 10,000—without regard to demand. That means that there are thousands of phone numbers in each area code that never get used and are wasted. This amendment would require that phone numbers are allocated in blocks of 1,000. Therefore, if a location only needs 2,000 numbers then they can get 2,000 numbers—not tie up the full 10,000 numbers.

The FCC has been working on the problem now for over a year. Meanwhile, millions of Americans have had their area code changed.

Sometimes new area codes are added geographically. A state gets split in two—half keeps the old code and half gets a new code. Sometimes new codes are overlaid on top of the existing code, where you would keep the area code you have for existing phone numbers, but would use the new area code for...
new numbers. Sometimes you get a combination of these solutions.

Almost one-third of the 215 area codes in the United States are likely to be exhausted within two years. California, Florida, Kentucky, Louisiana, Michigan, New York, and Virginia each have at least two area codes that are in extraordinary shortage and require immediate action. Another 11 states, including my own state of New Hampshire, have at least one area code that will be exhausted within the next 16 months.

This bipartisan amendment would require the FCC to address this problem by March 31, 2000. This amendment also provides states that have been determined to be in jeopardy by the North American Numbering Plan Administrator with limited flexibility to conserve their current area codes. Again, this state jurisdiction would only be provided to states that are in jeopardy.

Because we allocate phone numbers so inefficiently, we will exhaust the remaining pool of area codes by 2008. To fix this could cost up to $150 billion and would have to add at least one additional digit to all phone numbers in America.

We know this problem is coming. Let's act before it becomes another crisis that could have been avoided.

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

The CHAIRMAN. Does any Member seek to claim time in opposition?

Mr. SERRANO. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Ohio (Mr. KUCINICH) for the purpose of control.

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

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) is recognized for 7 minutes.

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

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

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding to me, and I congratulate the gentleman from New Hampshire (Mr. Bass) and the gentleman from Ohio (Mr. KUCINICH). This is an excellent amendment that allows the AUCs of States to do the right thing.

Mr. Chairman, I rise in support of the amendment offered by Representatives Bass and KUCINICH. Ordinarily, I would oppose the addition of this type of legislation to our appropriations bill. However, from my job in Los Angeles, California to the state of Maine, we face an area code crisis that demands the extraordinary.

The public outcry in my district in California began with the California Public Utilities Commission's (CPUC) imposition of mandatory one plus ten dialing in preparation for an area code "overlay." For the initiated, instead of splitting the geographic area and adding a new area code, the new area code is simply overlayed to the existing area; all callers in the area are then required to use the area code for all local calls. Consequently, my next door neighbor may have a different area code; two phones in the same household may have a different area code. On the other hand, the consumer is ensured of holding on to his/her current number.

The point here is not to debate the merits of the geographic split versus overlay, but to understand that for many consumers, this sudden and increasingly frequent upheaval with respect to that most valued possession—the telephone number—is troubling. Moreover, there have been unforeseen costs to consumers and businesses as a result of mandatory ten digit dialing; for example, no one anticipated that existing apartment building entry code systems would be rendered useless with the imposition of ten digit dialing.

Indeed, it is the lack of "anticipating" which I find most troubling about this current situation. From the Congress, which failed to anticipate the problems that deregulation of the telecommunications industry would pose for a new area code proliferation system, to the Federal Communications Commission (FCC) and state public utilities commissions that have been slow to respond. There is an urgency to this problem that seems to have escaped government and industry.

Let me share with you what the result in my state has been. From 1947 to the end of 1992, the number of area codes in California grew from three to 13: ten new area codes over a 45 year period. In the three year period from January 1997 to the end of 1999, the state will have doubled that figure for a total of 26 area codes. The CPUC has approved relief plans for another seven new area codes just in the last ten months. Demand in California is such that new area codes are being placed in jeopardy of exhaustion as soon as they become operational.

Everyone agrees that the current number allocation system is inefficient. These inefficiencies are directly related to policies of the FCC. I am encouraged that the Notice of Proposed Rulemaking initiated by the FCC on May 27, 1999 will provide additional area codes or subject us to an "overlay." I have regretted the situation was allowed to deteriorate to the degree it has.

We deregulated the telecommunications industry to enhance competition and spur technological innovation to benefit the economy and American consumers. I am increasingly concerned that while the allocation system, by leaps and bounds, the average American consumer is being asked to carry a disproportionate burden of the costs and—in the case of this area code mess—the inconvenience of progress.

This is an exceedingly complicated matter: as we have found in so many of the matters surrounding telecommunications policy and deregulation. Complexity, however, should no longer be an excuse for us to leave it to the experts to sit down and solve the problem. They need to be pushed.

Much of what the Bass/Kucinich Amendment seeks to accomplish, the FCC is currently engaged in. Other provisions are more controversial and certainly deserve more than the ten minutes of debate allotted here today. Adoption of the amendment signals our willingness to engage more fully in this issue. I offer my strong support for the amendment and commend the gentlemen from New Hampshire and Ohio for bringing the issue to the floor.

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

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

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Ohio very much for yielding to me. Mr. Chairman, I rise in very strong support of the gentleman’s amendment.

Mr. Chairman, I rise in support of the Bass-Kucinich amendment which addresses the efficient allocation of telephone numbers. I wholeheartedly agree that the FCC should develop and implement a plan to address the problem of area code proliferation which is plaguing communities across the United States. Moreover, I concur that State Commissions should be given the authority to implement number conservation methods, especially if the state is about to reach its capacity of numbers. States should be given the authority to deal with the hoarding of unused area codes by local carriers.

Throughout California, the proliferation of area codes is a problem. During the last two years, the number of area codes in California has risen from 13 to 28, and as many as 14 additional area codes may be implemented by 2002. By contrast, it took 45 years for California to acquire 13 area codes.

In fact, there is a plan in my district either to split the San Fernando Valley into two area codes or subject us to an "overlay." I have heard from many constituents who feel either option will inconvenience them unnecessarily. Homeowners have told me that they do not want to dial ten numbers to call their next-door neighbors. Business owners are upset because they fear they will lose contact with their customers. Their feelings of frustration and annoyance are totally understandable.

I want to leave you with one statistic: the California Public Utilities Commission estimates that only 35 to 40 million numbers are in use, while 208 million numbers will be available by the end of this year in California. It is clear that the current capacity of numbers has not been exhausted. I believe California is not alone in its predicament and many reports have documented a similar underutilization in other states.

I urge my colleagues to support this much-needed amendment.

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

Mr. Chairman, I thank the gentleman from California (Mr. DIXON) and the gentleman from California (Mr. BERMAN) for their support of this amendment. I thank the gentleman from New Hampshire (Mr. Bass) for his cooperation in working on this and to the senior Members, who are the chairman of the committee.

Mr. Chairman, there are more than 2 billion potential telephone numbers right now, but only 10 percent of them...
are in use. So there are plenty of telephone numbers. But due to the FCC’s mismanagement, roughly 70 million customers have been told they have to switch area codes due to a scarcity of numbers in their area code.

Now, only a few years away from running out of area codes. This will necessitate adding an extra digit to all telephone numbers. Now think about that for a moment. If one’s phone number is 224-3121, and they want to make it 224-31210, just adding that extra digit is going to cost consumers in this country $150 billion. We are talking about the largest telephone rate hike in history here.

The Bush-Kucinich amendment would direct the FCC to make sure that more telephone numbers were assigned efficiently before new area codes are imposed. That would save consumers $150 billion in preventable telephone bill charges.

The State Regulatory Utility Commissioners support the goal of this amendment. Mr. Chairman, I have a letter from the Chairman of the National Association of Regulatory Utility Commissioners as well as the resolution of that body which, in effect, endorses the principles that are in this amendment by myself and the gentleman from New Hampshire (Mr. Bass).

I include the letter and resolution for the RECORD as follows:

The National Association of Regulatory Utility Commissioners, August 5, 1999.

Re: Number conservation

Hon. Thomas Billey, Chairman, House Commerce Committee, U.S. House of Representatives, Washington, DC.

Dear Chairman Billey: I write to request that you support enabling state commissions to respond effectively to telephone number exhaustion. I am Chairman of the Telecommunications Committee of the National Association of Regulatory Utility Commissioners (NARUC). NARUC represents state and territorial commissions which regulate telecommunications services. We have appreciated Congress’s close concern with Telecommunications Act implementation, focusing primarily on possible FCC actions and with the extra expense of having to switch area codes as state issues and focus their resources before exhaustion occurs and have devised appropriate measures for their states when area code relief is required. Unfortunately, current FCC action is hamstrung in their efforts to conserve numbers and respond to numbering exhaustion.

Recently, we have a resolution concerning numbering exhaust and conservation, focusing primarily on possible FCC action. Among other things NARUC urges that states be allowed to implement thousand block number pooling and be granted strong enforcement authority over number conservation. I have attached a copy of the resolution.

Expanded state commission ability to mitigate and respond to number exhaustion is consistent with the cooperative federalist design of the Telecommunications Act, is consistent with the development of competition, and is the right thing to do for telecommunications customers.

Sincerely,

Bass, Chairman,

Enclosure.

Resolution on the FCC’s Number Resource Optimization Rulemaking Proceeding

Whereas, The current numbering administration process for the North American Numbering Plan has proven to be inadequate and has led to the inefficient use of numbering resources and the premature assignment of new area codes; and

Whereas, The current numbering crisis demands immediate action by the FCC, and failure to act expeditiously will result in substantial disruption, including the activation of new, unnecessary area codes that will permanently destroy geographic associations with specific area codes, will needlessly subject both residential and business customers to unnecessary costs, confusion and inconvenience, and will wastefully consume the limited resources of both telecommunications providers and state regulators; and

Whereas, The public interest is served by the need for new area codes that are being created due to the inefficient practices of the telephone companies; and

Whereas, The FCC’s Notice of Proposed Rulemaking in the Number Resource Optimization Docket, CC Docket No. 99-280, FCC 99-122 (June 2, 1999), requests comments on many important issues and proposes several different approaches to resolve the numbering crisis; and

Whereas, The States and territories believe that adherence to the principles and approaches outlined below is essential to the creation of an effective, competitively-neutral, administratively feasible numbering administration system; now therefore be it

Resolved, That the Board of Directors of the National Association of Regulatory Utility Commissioners, met in its 1999 Summer Meeting in San Francisco, California, that NARUC supports the FCC’s efforts in its NPRM on numbering resources and encourages the FCC to file comments to the FCC that:

a. Urge the FCC not to give carriers the freedom to “pick and choose” the number conservation measures in which they wish to participate and instead grant States and territories which have an obligation to protect the public interest, flexibility in developing a number conservation plan which is consistent with national standards but which also harmonizes with the Federal Communications Commission, the North American Numbering Council on all aspects of number planning. State commissions have exceeded their processing measures before exhaustion occurs and have devised appropriate measures for their states when area code relief is required.

b. Urge the FCC not to give carriers the freedom to “pick and choose” the number conservation measures in which they wish to participate and instead grant States and territories which have an obligation to protect the public interest, flexibility in developing a number conservation plan which is consistent with national standards but which also harmonizes with the Federal Communications Commission, the North American Numbering Council on all aspects of number planning.

c. Urge the FCC to establish uniform standards for thousand block pooling and allow States and territories to require the implementation of thousand block pooling upon rate center consolidation;

d. Urge the FCC to allow States and territories to implement thousand block pooling in state-served service areas, not just the top 100 MSAs; and

e. Urge the FCC not to condition the implementation of thousand block pooling upon rate center consolidation;

f. Request that States and territories be given strong enforcement authority over all code holders (including wireless carriers) and access to all information collected by the FCC and NANPA; and be it further.

Resolved, That NARUC counsel is directed to respond to the Kucinich amendment with these resolutions consistent with this resolution with the FCC.

Mr. Chairman, I would quote from the letter which says that “Expanded state commission ability to mitigate and respond to number exhaustion is consistent with the cooperative federalist design of the Telecommunications Act, is consistent with the development of competition, and is the right thing to do for telecommunications customers."

So this is from the chairman of the National Association of Regulatory Utility Commissioners in support of the principles established in the Bass-Kucinich amendment.

So, Mr. Chairman, I am asking for the support of the Members of this House so that those tens of millions of telephone customers who are our constituents across this country will not be burdened with the inconvenience and the extra expense of having to switch area codes change after August 5, 1999. When, in fact, there are plenty of telephone numbers to go around, and there is a way to manage efficiently the use of telephone numbers, and this legislation guarantees that.

Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. Tauzin).

Mr. Tauzin. Mr. Chairman, I thank the gentleman for yielding to me. I understand under the rules that the opposition was seized by the gentleman from New York (Mr. Smiley). I just want to say a word that the Committee on Commerce strongly opposes this amendment and asked me to make sure that the House is aware that there is strong opposition to this amendment, particularly because of the fact that number portability and wireless phones is something that creates great confusion and problems. This amendment could lead to those kinds of problems. The Committee on Commerce has examined this amendment in great detail and Defender me and the House to reject it on that basis.

This could, in fact, create enormous expense on some of the local telephone
companies because they would have to service number portability over long areas. Many of us have petitioned the FCC, and the FCC has agreed not to require this kind of portability in mobile phones or to have a different number system for mobile and fixed telephones as this amendment might end up requiring.

So I would urge my colleagues to reject this amendment and to go along with the Committee on Commerce on this proposal.

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

Mr. Chairman, I would like to again assert that I have a letter from the chairman of the Telecommunications Committee of the National Association of Regulatory Utility Commissioners which, in fact, states that they are asking for support of, again, the principles embodied in the Bass-Kucinich amendment.

I would further assert that the problem is caused by the FCC preemption of States’ abilities to solve this area code situation.

The States have the ability to do that. Our amendment gives the States the power to resolve this issue. And before preemption happened, New York State solved a New York City problem with a 917 area code. Since then, they were preempted by the FCC.

Now, telephone number exhaustion is perceived as a local problem, but the truth is that the States are best able to solve the local problem, and it is self-evident at this point. I just think about it. About 10 percent of the numbers are being used. This is a practical matter which affects millions of Americans. Ten percent of their phone numbers are being used, and yet the FCC permits new area codes to be created until there will be no more area codes left and we will have to add another digit and that will cost consumers $150 billion.

Give this amendment a chance. Give consumers a chance. Do not pave the way for the largest telephone rate hike in history. Let us enforce a discipline upon the FCC for number conservation for conservation of the fiscal resources of our constituents. We do not need more area codes, we need an FCC which has the direction from this Congress to do its job and to quit wasting the telecommunications resources of this Nation.

Mr. Chairman, Mr. Bass and I offer a commonsense amendment to protect consumers. Our amendment will eliminate the inconvenience and cost experienced by consumers when the Federal Communications Commission announces that the area code has to change. Our amendment deals with the root cause of area code changes. Our amendment will prevent the exhaustion of telephone numbers and save the economy about $150 billion in preventable emergency measures.

If the rate at which new area codes are being introduced continues, we may run out of area codes by as soon as 2007. If that occurs, we could be forced to add one more digit to all US phone numbers.

The FCC and other reliable sources estimate that the cost to the economy of adding an extra digit to all telephone numbers could be as high as $150 billion. The cost would come from over-regulating all computer networks and data bases to recognize the expanded numbering format.

It is about the same as the cost of fixing the Y2K bug. But unlike the Y2K problem, the coming crisis in telephone number allocation is entirely preventable.

Through years of wastefulness, there is now a crisis in area code exhaustion. Residents all over this nation are familiar with the proliferation of new area codes due to the exhaustion of number supply. Residents in my own district of Ohio know the Parish of Parma. In Parma, the telephone company declared that it had to split Parma into two area codes. The residents decided to fight back and have contested the need for the area code split in the Ohio Supreme Court. In the process of that effort, they learned that over ninety percent of the numbers in the old area code were not even in use, but were wasted because of telephone company allocation practices. Indeed, Lockheed Martin, the private company that now manages the assignment of new area codes in the nation, has said that only five new 6.4 billion potential telephone numbers are actually in use. Lockheed Martin has also said that if an alternative to these wasteful practices is not adopted immediately, the hundred billion dollar solution of adding a new digit to all telephone numbers will have to be employed.

Our amendment directs the FCC to move quickly to prevent the exhaustion of area codes, minimize cost to consumers, to prevent the waste, and to conserve number stock. Our amendment promotes competition by ensuring that consumers can take their telephones numbers with them if they choose to switch carriers. Our amendment restores the ability of consumers to dial only seven digits and reach anyone in their area code. And our amendment will save the economy about $150 billion in unproductive, and preventable emergency remedial action.

The Bass-Kucinich amendment is pro-consumer.

Mr. Chairman, I urge a “yes” vote on this amendment. Ohio, like those people across this country who are fed up with what has happened, with area codes being split, and there not being an exhaustion of telephone numbers.

Mr. BASS. Mr. Chairman, I yield myself the balance of my time, and I want to urge all Members of Congress to support this important amendment.

If the issue is cost, no cost is greater than the unnecessary addition of an area code versus what might have been easily avoided in States all over the country. I want to urge all Members of Congress to take any concerns that have been voiced on the part of the Committee on Commerce to work them out in conference.

We need to move now because many States across the country are going to get second or third or fourth or fifth area codes within the next 12 months and it will be totally needless. So I urge support of the pending amendment.

Mr. BALDACCI. Mr. Chairman, I rise today in support of the amendment offered by my friends Congressman Bass and Congressman KUCINICH. Currently, my home State of Maine faces a problem. Due to Federal Communications Commission rules governing the distribution of telephone numbers, Maine is allegedly “running out” of phone numbers.

Maine has one area code: 207. Last year, our Public Utilities Commission was informed that the numbers in the 207 area code would be “depleted” by July 2000. If nothing changes, Maine will be forced to implement a new area code, dividing the state and forcing individuals and small businesses to make expensive changes.

Maine’s Public Utilities Commission is examining this issue closely. Much to our surprise, we found that Maine isn’t really running out of phone numbers. In fact, there are plenty of numbers still available—5.7 million of them, to be exact. However, because of the current administration of numbers, Maine’s Public Utilities Commission currently has no way to make use of these surplus numbers. Instead, they will continue to go unused, while my State will be forced to implement a second area code. We could avoid this situation for a long time to come, but only if allowed to carry out a more practical and flexible assignment of numbers.

The current practice of allocating blocks of 10,000 numbers minimum to each carrier is wasteful. Even if a small local carrier only uses 100 lines, they will keep the other 9,900 possible numbers in reserve. This simply makes no sense, Mr. President.

That is why I support the Bass-Kucinich amendment which would allow for smaller, more flexible minimum blocks of numbers to be allocated to each local carrier in a state. This amendment also calls on the Federal Communications Commission to conduct a study of conservation methods that could be implemented so that we can forestall the unnecessary nationwide depletion of phone numbers by 2007 and avoid having to take extraordinary measures such as adding a fourth digit to area codes.

It may surprise my colleagues to learn that there are currently no plans to conserve the available phone numbers we have today. The FCC also has not allowed states such as Maine to implement efforts they have devised in order to conserve numbers. If we simply gave states the flexibility to allocate numbers in smaller blocks, say of 1,000, then my State of Maine would not have to have second or third or fourth or fifth area codes. If we implement area code conservation, then we will be able to forestall the depletion of available phone numbers. These are things my State’s Public Utilities Commission has petitioned to do. I congratulate my colleagues for a commonsense approach to the allocation of telephone numbers, and urge my colleagues to support this amendment.

Mr. BLILEY. Mr. Chairman, today I reluctantly rise to express my extreme disappointment that this amendment is being offered today as a part of this appropriations process. I have attempted to work with both the gentleman from New Hampshire, Mr. Bass, and...
Hon. THOMAS BLILEY, Chairman, Committee on Commerce, Washington, DC, August 4, 1999.

Dear Mr. Chairman: I am writing you with respect to H.R. 2620 regarding area code allocations. As you know, the Commission is very concerned with the numbering problems faced by many states. The Commission is committed to working closely with the States to resolve these problems. Very recently, the Commission proposed a plan that will be used to resolve these problems. At the same time assure that the numbering program contributes to the establishment of a national pro-competitive telecommunications policy.

On June 2, 1999, the Commission released a uniformly approved Notice of Proposed Rulemaking to put in place a national area code allocation policy. I urge my colleagues to support release of an area code plan by March 31, 2000, that will authorize implementation of a plan for the efficient allocation of telephone numbers.

The Commission can adopt a plan by March 31, 2000, but it is my understanding that the telecommunications industry estimates that it will take between 10 and 19 months following a regulatory order to implement thousands-block pooling. Other needed or proposed changes may also require additional investments of time and equipment and further development.

With respect to the provision of mandatory delegation of additional authority to the States, the Commission recognizes that many numbering problems are local in nature. The Commission, therefore, has invited States to seek delegations of authority to implement numbering conservation measures. Currently the Commission is processing applications received from California, Massachusetts, New York, Maine, Florida, and Texas. We intend to address these petitions expeditiously.

Given the strong working relationship the Commission has developed with the States in addressing numbering problems, I do not believe the mandatory delegation of numbering authority to the States proposed in the Amendment is necessary. I would strongly recommend that the Commission retain the flexibility to assess States’ showing of a need for a delegation of authority prior to granting such authority. The FCC could comply with a requirement that it process State requests within 90 days of receipt. This would allow time for compliance with APA notice requirements.

Sincerely,
WILLIAM E. KENNARD, Chairman.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. BASS) will be postponed.

The Clerk will read.

This amendment simply puts further teeth in the law that was recognized and passed by this Congress years ago. The current law states that if the Attorney General notifies the Secretary of State that a country refuses to accept a deportable alien, that the suspension will take place as to the processing of visas for individuals of that country until the deportees are allowed to return.

This amendment simply puts further teeth that the funding for that purpose will be withheld until the country accepts their citizens back.

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

Mr. DEAL of Georgia. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding to me, and I yield to this amendment.

I understand that the INS is holding over 3,300 cases of deportable aliens. The reason that they are in a deportable status and in limbo is the fact that their home country refuses to accept their return. It is estimated that the cost of these individuals being detained indefinitely is in excess of $80 million a year.

What this amendment does is simply put further teeth in the law that was recognized and passed by this Congress years ago. The current law states that if the Attorney General notifies the Secretary of State that a country refuses to accept a deportable alien back, the suspension will take place as to the processing of visas for individuals of that country until the deportees are allowed to return.

This amendment simply puts further teeth that the funding for that purpose will be withheld until the country accepts their citizens back.

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

Mr. DEAL of Georgia. I yield to the gentleman from Kentucky.

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITILE VIII—LIMITATION PROVISIONS

Sec. 801. None of the funds appropriated in this Act shall be available for the purpose of processing or providing immigrant or non-immigrant visas to citizens, subjects, nationals, or residents of countries that the Attorney General has determined are unreasonably delay the return of citizens, subjects, nationals, or residents under section 243(d) of the Immigration and Nationality Act.

The CHAIRMAN. Pursuant to House Resolution 273, the gentleman from Georgia (Mr. DEAL) and a Member opposed each will control 5 minutes.

Mr. DEAL of Georgia. Mr. Chairman, I wish to express my appreciation to the chairman of the subcommittee and to the ranking member of the subcommittee with regard to this amendment.

The problem this amendment addresses is the fact that there are thousands of individuals who are criminal aliens that are being detained in U.S. detention facilities that are in a limbo status.

Currently, we have over 3,300 individuals in those detention facilities that are deportable criminal aliens. The reason that they are in a deportable status and in limbo is the fact that their home countries refuse to accept their return. It is estimated that the cost of these individuals being detained indefinitely is in excess of $80 million a year.

What this amendment does is simply put further teeth in the law that was recognized and passed by this Congress years ago. The current law states that if the Attorney General notifies the Secretary of State that a country refuses to accept a deportable alien back, that the suspension will take place as to the processing of visas for individuals of that country until the deportees are allowed to return.

This amendment simply puts further teeth that the funding for that purpose will be withheld until the country accepts their citizens back.
In some instances, the home country will not accept the person because they do not want “only criminals” back, or they will simply refuse to recognize an individual once they have established residence in the U.S. Others will claim paperwork delays lasting long because of record-keeping problems.

In an effort to remedy the problem, the 1996 Immigration Act contained a provision which stated that upon being notified by the Attorney General that the government of a foreign country refuses to return its nationals, the Secretary of State shall order consular officers in that country to stop issuing immigrant and nonimmigrant visas to nationals of that country until the Attorney General notifies her that the country has accepted their nationals.

Even though the INS has stated that there are problems returning persons to some countries, we are told the Secretary of State has never ordered the suspension of issuance of visas for this purpose. The State Department claims that neither INS or the Attorney General have ever formally notified them of problems, although the State Department admits that they have been contacted by INS about their troubles in returning some persons.

I think it is time, Mr. Chairman, that the Secretary gets serious in assisting the Attorney General in returning these criminal and illegal aliens. We are using valuable and scarce and declining detention spaces, bed spaces, personnel for whom deportation has already been ordered and the country refuses to receive them. So I urge our colleagues to support the gentleman’s amendment. It is well thought out, and it constitutes a real problem.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I support the Deal amendment. We have noncitizen criminals everywhere in America, we are incarcerating them, and we are paying $80 million a year to keep them in prison. The law says that we can deny the issuance of visas to their countries of origin and to their citizens of their countries of origin, but we are not doing it.

The Dealmendment is absolutely needed. I want to commend and compliment the gentleman for his effort.

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

Mr. TRAFICANT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would point out to the gentleman from Ohio (Mr. TRAFICANT) that the law says the Secretary of State shall, not may, but shall deny visas to other people from that country until they accept their criminal aliens back.

Mr. TRAFICANT. Mr. Chairman, re-emphasizing my time, the Deal amendment was needed because the respective officials understand the intent of Congress to enforce this law.

Mr. FOLEY. Mr. Chairman, the United States must maintain a tough and unconscionable policy on deportation of criminal non-citizens. U.S. prisons and INS detention facilities are bulging to the point that many non-citizen convicts could be released into society in the near future.

This is wrong.

Those who abuse their immigration status by committing crimes in this country must not be allowed to stay.

The INS is already overburdened and underfunded to the extent that it cannot fulfill its enforcement mission.

This situation is only made worse when it is forced to deal with individuals whose home countries refuse to take them back. The Federal Government spends approximately $67 per day and $80 million per year to detain these individuals—sometimes indefinitely.

For this reason, I am in strong support of Congressman Deal’s amendment. I have been working on similar legislation myself.

It is ridiculous that we continue to grant immigration visas to countries who will not cooperate with our law enforcement efforts.

There must be some recourse.

In fact, we already have the legal authority to do something.

The State Department can sanction these countries by denying them immigrant and non-immigrant visas. However, the agency has never used this authority.

We cannot continue to let U.S. taxpayers bear the burden of other countries’ reprehensible behavior or our own government’s unwillingness to take aggressive action to correct this problem.

We must put the Administration and the State Department on notice that weakening our policies toward criminal non-citizens is not acceptable.

If a criminal from Mexico or Israel must be deported, so must a criminal from Vietnam or Russia.

Therefore, I would urge my colleagues to support Congressman Deal’s amendment.

Mr. DEAL of Georgia. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman’s time has expired. All time has expired. The gentleman’s amendment was agreed to.

Mr. FOLEY. Amendment offered by Mr. TRAFICANT: Amend the amendment proposed by the gentleman from Georgia (Mr. DEAL).

The amendment was agreed to.

Amendment offered by Mr. TRAFICANT: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high-security inmate other than to a prison or other facility certified by BoP as appropriately secure for housing such a prisoner.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read out of the record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?
The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER). The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. George Miller of California:

At the end of the bill (preceding the short title), add the following:

TITLE—LIMITATION

SEC. . Of the amounts made available by this Act, not more than $2,350,000 may be obligated or expended for the Inter-American Tropical Tuna Commission.

Mr. GEORGE MILLER of California. Mr. Chairman, this amendment that I am offering this evening does nothing more than ensure that the current law regarding the funding of the Inter-American Tropical Tuna Commission is being followed by limiting the U.S. contribution to no more than 50 percent of the Tropical Tuna Commission, thereby ending the long-standing taxpayer subsidy of foreign nations who are members and benefit from the work of this commission.

There are two principal benefits from this amendment. It ensures countries pay their fair share for the Tropical Tuna Commission of its expenses which they committed to when they signed on to the convention. The law requires that it frees up money for other international fishing commissions that are already funded below the President's request.

Mr. Chairman, in 1999 the United States signed onto a convention establishing the Inter-American Tropical Tuna Commission. This commission was designed to coordinate international efforts to maintain a healthy population of tuna and other marine species taken from the eastern Tropical Pacific Ocean.

Currently 11 nations are members of this commission: Costa Rica, Panama, Japan, France, Vanuatu, Nicaragua, Venezuela, El Salvador, Equador, Mexico, and the United States.

The Tropical Tuna Commission is involved in many activities that affect all member nations, and there are costs associated with these activities and the convention specifies how the commission should fund these programs.

It says that those countries that harvest more fish pay more. Specifically the commission states: "The proportion of joint expenses to be paid by each of the high contracting parties shall be related to the proportion of total catch of the fisheries covered by the Convention and utilized by the high contracting party."

This made sense in 1986, and it makes sense today. We paid our share then and we still do now. In fact, we pay a good deal more than our share. Circumstances have changed and changes must be made in our payments.

The United States is no longer the largest beneficiary of tuna from the eastern Tropical Pacific. In fact, we only catch about 5 percent of the tuna from this area. And our average utilization over the last 10 years has been around 40 percent.

Despite this, the United States continues to pay the lion's share of funding for the Tropical Tuna Commission, as much as 90 percent in recent years.

The taxpayers' subsidy of foreign fishing nations must stop, and it is time for these other countries to carry their own weight.

In fact, in 1997, the International Dolphin Conservation Program Act requires that member countries pay their fair share of the Tropical Tuna Commission. And in fact that same agreement has incentives for them to do so, as we can all agree that our taxpayers should not be underwriting the fishing interest of these other countries. This is a fair position. That is the position that the Senate just over a week ago on a bipartisan vote agreed to 61-35.

The money saved will still be available to the State Dakelson on 12 other international fisheries commissions which we belong to and which are funded at $2 million below the President's request in this legislation.

So let us not undercut a dozen other important commissions so that our constituents can continue to subsidize countries that refuse to pay their fair share contrary to U.S. law, contrary to the agreement that they entered into on the International Dolphin Conservation Program.

Regardless of how we feel about modifying the dolphin-safe label, surely we can all agree that our taxpayers should not be underwriting the fishing interest of these other countries. This is a fair position. That is the position that the Senate just over a week ago on a bipartisan vote agreed to 61-35.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. George Miller of California:

At the end of the bill (preceding the short title), add the following:

TITLE—LIMITATION

SEC. . Of the amounts made available by this Act, not more than $2,350,000 may be obligated or expended for the Inter-American Tropical Tuna Commission.

Mr. GEORGE MILLER of California. Mr. Chairman, this amendment that I am offering this evening does nothing more than ensure that the current law regarding the funding of the Inter-American Tropical Tuna Commission is being followed by limiting the U.S. contribution to no more than 50 percent of the Tropical Tuna Commission, thereby ending the long-standing taxpayer subsidy of foreign nations who are members and benefit from the work of this commission.

There are two principal benefits from this amendment. It ensures countries pay their fair share for the Tropical Tuna Commission of its expenses which they committed to when they signed on to the convention. The law requires that it frees up money for other international fishing commissions that are already funded below the President's request.

Mr. Chairman, in 1999 the United States signed onto a convention establishing the Inter-American Tropical Tuna Commission. This commission was designed to coordinate international efforts to maintain a healthy population of tuna and other marine species taken from the eastern Tropical Pacific Ocean.

Currently 11 nations are members of this commission: Costa Rica, Panama, Japan, France, Vanuatu, Nicaragua, Venezuela, El Salvador, Equador, Mexico, and the United States.

The Tropical Tuna Commission is involved in many activities that affect all member nations, and there are costs associated with these activities and the convention specifies how the commission should fund these programs.

It says that those countries that harvest more fish pay more. Specifically the commission states: "The proportion of joint expenses to be paid by each of the high contracting parties shall be related to the proportion of total catch of the fisheries covered by the Convention and utilized by the high contracting party."

This made sense in 1986, and it makes sense today. We paid our share then and we still do now. In fact, we pay a good deal more than our share. Circumstances have changed and changes must be made in our payments.

The United States is no longer the largest beneficiary of tuna from the eastern Tropical Pacific. In fact, we only catch about 5 percent of the tuna from this area. And our average utilization over the last 10 years has been around 40 percent.

Despite this, the United States continues to pay the lion's share of funding for the Tropical Tuna Commission, as much as 90 percent in recent years.

The taxpayers' subsidy of foreign fishing nations must stop, and it is time for these other countries to carry their own weight.

In fact, in 1997, the International Dolphin Conservation Program Act requires that member countries pay their fair share of the Tropical Tuna Commission. And in fact that same agreement has incentives for them to do so, as we can all agree that our taxpayers should not be underwriting the fishing interest of these other countries. This is a fair position. That is the position that the Senate just over a week ago on a bipartisan vote agreed to 61-35.

The money saved will still be available to the State Dakelson on 12 other international fisheries commissions which we belong to and which are funded at $2 million below the President's request in this legislation.

So let us not undercut a dozen other important commissions so that our constituents can continue to subsidize countries that refuse to pay their fair share contrary to U.S. law, contrary to the agreement that they entered into on the International Dolphin Conservation Program.

Regardless of how we feel about modifying the dolphin-safe label, surely we can all agree that our taxpayers should not be underwriting the fishing interest of these other countries. This is a fair position. That is the position that the Senate just over a week ago on a bipartisan vote agreed to 61-35.

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So let us not undercut a dozen other important commissions so that our constituents can continue to subsidize countries that refuse to pay their fair share contrary to U.S. law, contrary to the agreement that they entered into on the International Dolphin Conservation Program.

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The money saved will still be available to the State Dakelson on 12 other international fisheries commissions which we belong to and which are funded at $2 million below the President's request in this legislation.

So let us not undercut a dozen other important commissions so that our constituents can continue to subsidize countries that refuse to pay their fair share contrary to U.S. law, contrary to the agreement that they entered into on the International Dolphin Conservation Program.

Regardless of how we feel about modifying the dolphin-safe label, surely we can all agree that our taxpayers should not be underwriting the fishing interest of these other countries. This is a fair position. That is the position that the Senate just over a week ago on a bipartisan vote agreed to 61-35.

The money saved will still be available to the State Dakelson on 12 other international fisheries commissions which we belong to and which are funded at $2 million below the President's request in this legislation.

So let us not undercut a dozen other important commissions so that our constituents can continue to subsidize countries that refuse to pay their fair share contrary to U.S. law, contrary to the agreement that they entered into on the International Dolphin Conservation Program.

Regardless of how we feel about modifying the dolphin-safe label, surely we can all agree that our taxpayers should not be underwriting the fishing interest of these other countries. This is a fair position. That is the position that the Senate just over a week ago on a bipartisan vote agreed to 61-35.
the agreements that people have entered into. And I think it is an amend-
ment that we should adopt as did the Senate by the bipartisan vote of 61-35.
This amendment does nothing more than ensure that current law regarding the funding of the Inter-
American Tropical Tuna Commission is being followed.
It does so by limiting the U.S. contribution to no more than 50 percent of the IATTC budget, thereby ending the longstanding taxpayer subsidy of foreign nations who are members of, and benefit from, the work of the Commission. There are 2 principal benefits from this amend-
ment:
(1) it ensures countries pay their fair share of IATTC expenses, which they committed to when they signed onto the Commission and as the 1997 law requires;
(2) it frees up money for other international fisheries commissions that are already funded below the President’s request.
Mr. Speaker, in 1949, the United States signed a convention establishing the Inter-
American Tropical Tuna Commission (IATTC). This Commission was designed to coordinate international efforts to maintain health popu-
lations of tuna and other marine species taken in the eastern tropical Pacific Ocean (ETP).
Currently 11 nations are members of the commission—Costa Rica, Panama, Japan, French Polynesia, Peru, Ecuador, El Salvador, Guatemala, Mexico, Brazil, and the United States.
The IATTC is involved in many activities that affect all member nations. And there are costs associated with these activities. The conven-
tion specifies how the Commission should be funded.
It says that those countries that harvest more fish should pay more. Specially the Con-
vention states: “The proportion of joint expenses to be paid by each high Contracting Party shall be related to the proportion of the total catch from the fisheries covered by this Convention utilized by the High Contracting Party.”
This made sense in 1949, and it makes sense now. We paid our share then, and we still do now. In fact, we now pay a good deal more than our share.
Circumstances have changed and changes must be made to our payments. The United States is no longer the largest beneficiary of tuna from the ETP. In fact, we only catch only five percent of the tuna from the ETP. And our average utilization over the last 10 years is around 40 percent. Despite this, the United States continues to pay the lion’s share of funding for the IATTC—as much as 90 per-
cent in recent years. This taxpayer subsidy of foreign fishing nations must stop. It is time for those other countries to carry their own weight.
In fact, the 1997 International Dolphin Conservation Program Act requires that member countries must pay their fair share of the IATTC expenses. And there is no incentive for them to do that when written into law which clearly states that countries that fail to pay their fair share cannot export their tuna to the United States.
Mr. Speaker, all my amendment does is up-
hold the requirements of current law. It does not change the 1997 dolphin protection law for the international agreement in any way. It simply assumes a critical provision of that law will be enforced. In addition, it has no effect on the International Dolphin Conservation pro-
gram funding for observers and other activi-
ties. The funding for that program comes from fees on tuna vessels, not from country con-
tributions.
Regardless of how we felt about modifying the “Dolphin-Free” label, surely we can all agree that our taxpayers should not be under-
writing the fishing interests of other countries. That is a fair position the Senate agreed to by a bipartisan vote of 61-35.
The money saved will still be available to the State Department to spend on more than 12 other international fisheries commissions to which we belong which are funded at $2 mil-
ion below the President’s request in this bill. So let’s not undercut a dozen other important commissions so that our constituents can con-
tinue to subsidize countries that refuse to pay their fair share, contrary to U.S. law.
Mr. FARR of California. Mr. Chair-
man, I move to strike the last word.
Mr. Chairman, I rise in strong sup-
port of this amendment. Fran-
kly, this is the situation: in 1997, we passed a law saying that the ability for these countries to fish in the area which is called the eastern Tropical Pacific for tuna and in order for them to market that tuna in the United States as dolphin-free tuna or dolphin-
safe tuna, they would all have to participate in the Inter-American Tropical Tuna Commission.
Unfortunately, they are not carrying their fair share. So what happens is the United States, they are using our mar-
ket. Of course, the very reason this is all here, they are all shipping their tuna into the United States. What we are saying is that they ought to be paying their fair share.
Countries like Costa Rica catch about 70 percent of it, and they pay nothing. Venezuela catches about 16 percent or uses 16 percent of the mar-
tet. They pay nothing. Ecuador fishes about 26 percent of the fish. They pay nothing.
So what is this amendment does is say that the United States should not have to pay more than its fair share. But even at that, the bottom line is that we would be paying 50 percent of the com-
mission’s cost.
So I mean, this is a no-brainer that the United States has got to stop car-
ying the heavy burden. The advantage for all these fisheries is that they can come and sell their product in the United States to American consumers, and we ought to require that they pay their fair share of the commission ex-
enses.
Mr. Chairman, I insert the following:
GROUPS SUPPORTING THE GEORGE MILLER OF CALIFORNIA AMENDMENT:
The Humane Society of the United States.
Animal Welfare Institute.
Defenders of Wildlife.
Friends of Animals.
Public Citizen.
Whale Rescue Team.
Greenpeace Foundation.
Massachusetts Audubon Society.
ASPCA.
Dolphin Connection.
Society for Animal Protection.
Earth Trust.
Friends of the Earth.
Brigantine New Jersey Marine Mammal
Stranding Center.
American Oceans Campaign.
The Fund for Animals.
Marine Mammal Fund.
South Carolina Association for Marine Mammal Protection.
Eco Island Institute.
Animal Protection Institute.
American Humane Association.
Mr. GILCHREST. Mr. Chairman, will the gentleman yield?
Mr. FARR of California. I yield to the gentleman from Maryland.
Mr. GILCHREST. Mr. Chairman, the gentleman made mention that Ecuador pays nothing? Is that the country he said? He said they pay nothing?
$142,000 from Ecuador. Venezuela $67,000. Costa Rica $29,000. Signifi-
cantly smaller countries. But the United States is telling these other 10 countries how they have to fish to meet our standards. This is an inter-
national agreement, decided upon by the United States to protect the dol-
phin and the tuna industry.
Mr. GEORGE MILLER of California. Mr. Chair-
man, will the gentleman yield?
Mr. FARR of California. I yield to the gentleman from California.
Mr. GEORGE MILLER of California. Mr. Chair-
man, the fact of the matter is they pay very little in terms of their participation.
We are telling them this is what they signed on to, this is an agreement they agreed to. They are signatories to this operation. We changed it to meet their concerns and so that they can import the tuna in this country, and they agreed.
A contract is a contract. They signed a contract saying this is what they agreed they would do. Now they are not doing it. So we end up paying 70 or 80 percent of the cost of this commission. It is not much more complicated than that.
Mr. FARR of California. Mr. Chair-
man, reclaiming my time, let me just point out that this is really an equity issue. It is all based on the fact that we would not even have a law if it was not for that these other countries want to fish for tuna and have to use an inter-
national law which we have led with so that they can sell their tuna in this country. That is where the market is.
The American consumers are making all of this happen. We are just asking that these countries bear their fair share. It is big business. It is a lot of money. And they certainly can afford it.
Mr. GILCHREST. Mr. Chairman, I rise in opposition to the amend-
ment.
Mr. Chairman, I want to make a com-
ment. The gentleman from California (Mr. GEORGE MILLER) said that the fees from the fishermen will pay for the im-
plementation of the dolphin-safe fish-
ing techniques, something to that end, that the expenses to be paid by each high Contracting Party. ‘’
cover the funding for the dolphin program. It is only about 50 percent of the total cost of this program.

The biological work from the commission comes from the contributions from the participating countries. I rise in opposition to the amendment. Strong opposition, Mr. Chairman. I do not often oppose the gentleman from California (Mr. GEORGE MILLER) on marine resource issues. But I think the gentleman is wrong on two counts.

Number one, if we cut the funding by the amount the gentleman from California wants to cut, this will completely cripple the program entirely. The participating nations at this point have not negotiated the total amount of money that is necessary. That is going to happen in October.

My colleague has made several points about the role of the United States in the Inter-American Tropical Tuna Commission and our actual participation in the fishery. I want to make a comment about the utilization. Between 30 and 83 percent of the tuna in the last 10 years, with passage of the International Dolphin Conservation Program, comes to the United States. And that number will go up.

Until the U.S. fleet was effectively driven out by the tuna-dolphin regulations, the United States caught the bulk of the tuna fish in the eastern tropical Pacific. As soon as this negotiation goes through and as soon as the science is done, as long as we do not have a million-dollar cut in the appropriation, we will do two major things: We will save the dolphins, who used to be slaughtered at about 100,000 a year, down to below 2,000 a year; and, number two, we will increase the tuna fishing industry in California. Also, the vast majority of the costs of dolphin protection are borne not by the international agreement but by the fishermen themselves. The fishermen now have to buy extra speed boats, rafts, divers to assist in the dolphin nets, added cost to carry the mandatory observers on board, et cetera, et cetera, et cetera. Contributions to the Inter-American Tropical Tuna Commission effectively fund this management regime.

My colleague has also argued that the International Dolphin Conservation Program Act of 1997 was passed in part to end these heavy subsidies. Well, that is what is in the process of happening right now. The heavy subsidies are being reduced. No one disagrees that it is necessary to eventually bring the U.S. contribution in line with its present share of the fishery. The International Dolphin Conservation Program Act even contains a sense of Congress that the parties should negotiate a more equitable scheme for contributions. However, while almost any program might be able to cut costs incrementally over time, slashing funding by one-third all at once is a crippling blow to the research and conservation efforts of this most important program. Participating nations will meet in October to work out a more equitable schedule for annual contributions. This is not happening.

That is going to happen in October. The heavy subsidies added cost to carry the mandatory observers on board, et cetera, et cetera, et cetera. Contributions on board, et cetera, et cetera, et cetera. Contributions to the Inter-American Tropical Tuna Commission effectively fund this management regime.

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This is not about dolphin safety. All of the things to protect the dolphin are in place under the agreements. This is about the enforcement. One of the conditions to participating in the program is that you meet your commitments under the law in terms of your financial responsibility. These countries have chosen not to do that. Once again, the good old United States comes in and picks up the fall. You have 10 countries who sought to change the law, who sought a half of the budget, yet they are harvesting 70, 80 percent of all the tuna. This is just a matter about equity for the United States taxpayers. It is that simple.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT). (Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, when my legislative staff talked to me about this amendment, they pointed out that my friend the gentleman from California (Mr. GEORGE MILLER) was offering the amendment. They also pointed out that the gentleman from Maryland (Mr. GILCHREST) was opposing the amendment and they said, “Where do you stand?” I gave the typical political answer. I said, “I stand with my friends.” But you cannot get away with this. You have got to do it. I have looked at it very carefully. I oppose the amendment.

This, as I see it, is a battle of “might happens.” As the State Department points out, this amendment is unnecessary, because they are working on renegotiating a more favorable U.S. allocation. It is also counterproductive. Why is that? Because it might jeopardize the U.S. position on other conservation issues. Since the State Department is acting as the lead negotiator for the countries, the bottom line is that the administration, the United States taxpayers, it is that simple.

My amendment, I think, is important. As the gentleman from Maryland pointed out, the other nations who have been paying the majority of the cost, they have been doing an excellent job. The burden of protecting the dolphins has been on their shoulders. The other nations have been paying 50 percent of the cost. They will not back down on this. They will start negotiating.

We have been funding over 90 percent of this. We have not taken anywhere near that amount of tuna over the last 10 years. We have those things that the fishermen have to do, in terms of speed boats and monitors, all the rest of that is what they agreed to do because that is what they said they would do in order to get access to the American market. That is why they signed the agreement. That is why you changed the label. That is why you changed the law, so that they could do this. Clearly that is a very small expenditure compared to finally landing, after many years, access to the American consumer market. That is the deal.

Yes, they will start negotiating. We all know how the international bodies negotiate. They will pick out a lovely city somewhere in the world, they will go there month after month after month and 3 or 4 years from now, because this is about negotiating the entire treaty, they will come back to us. In that time the American consumers are going to spend $50 million. That could be used to shore up the other international fisheries commissions that are not properly funded under this legislation or in request with what the President has sought for the treaty.

This is not about dolphin safety. All of the things to protect the dolphin are in place under the agreements. This is about the enforcement. One of the conditions to participating in the program is that you meet your commitments under the law in terms of your financial responsibility. These countries have chosen not to do that. Once again, the good old United States comes in and picks up the fall. You have 10 countries who sought to change the law, who sought a half of the budget, yet they are harvesting 70, 80 percent of all the tuna. This is just a matter about equity for the United States taxpayers. It is that simple.
U.S. State Department, the U.S. tuna fishing industry. That is an eclectic and diverse group. I actually think this may cause us to violate treaty obligations. That really concerns me.

I am mindful of the fact that this amendment was considered in the committee and it was rejected. I am mindful of the fact that what we did in the last Congress, the 106th Congress, and I think this would undermine the tuna-dolphin protection legislation which we passed by an overwhelming majority in the last Congress.

For all of those reasons and more that I do not have the time to cover, I stand with my friend against a friend. I oppose the amendment and urge its defeat.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I just have a closing comment. We passed a law directing that the parties negotiate the terms of the agreement so that all nations pay their fair share. All nations will pay their fair share. That process is continuing. There will be a meeting of the Inter-American Tropical Tuna Commission in October. It is the United States that wants to ensure, with its negotiating parties, that this agreement does not fall apart, that more dolphins are not killed. If this agreement falls apart, not only will you have more dolphins killed, but you will be catching immature tuna fish in a manner in which it will play out. You will kill more sea turtles. You will kill more sea lions.

If 1 million is cut from the budget of the Inter-American Tropical Tuna Commission, not enough biological work will be done, not enough money will be out there buying the kinds of equipment that will be necessary to ensure the success of this program. I urge my colleagues to vote against the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Those are all interesting arguments from my colleague from Maryland. They are just not factual. It is just not the situation as it exists. This is not an agreement to work out payment in the future. This is the treaty. This is what they agreed to:

"The proportion of joint expenses to be paid by each high contracting party shall be related to the proportion of the total catch of the fisheries covered by the covenant."

That is what they have agreed to do. They suggest here, well, the dolphin agreement will fall apart. If it falls apart, we lose their access to the American market. They have been trying for a decade to pry that market open. It is now there based upon this agreement. You say they are going to start meeting in October to negotiate these. Every day we are not negotiating with them we lose because Uncle Sam is picking up the tab. So there is no urgency in this. There is no urgency in this.

Why do you not send them a message that we are more than willing to pay our fair share and even then some, but they have to contribute something to this effort? They ought to participate in this. They are getting the benefit. I do not think it is a matter of a couple of hours about our unwillingness to pay a debt owed to the United Nations and here we are willing to pay money we do not even owe, that is not even called for under the treaty. This is turning Uncle Sam in to Uncle their maker. What is going on here? People signed an agreement, they signed a treaty, they signed a contract, they say this is what we are willing to do to have access to the American market and then they do not do it.

And so what happens? You go out and you pass the hat among the American taxpayers, we cough up a few million dollars and the bureaucrats and the diplomats just continue on about their way. This has to do with the safety of the dolphin. They have agreed to fish in a dolphin-safe fashion under the guidelines that the gentleman promoted. We had that fight. They also agreed to the terms and conditions of this treaty. If they do it differently, if they start killing dolphins, then they lose the American market, and we know what that means to them. Because that is the biggest financial plum they possibly have.

Why do we offer selling the American market so cheap? This is not a lot of money but it is an important principle, it is a very important principle, that people should pay their fair share. Again, we go back to the debate earlier about who is paying their fair share and who is paying too much at the United Nations. Well, this is just a small commission. But if the other countries do not pay their fair share, we pay more here and then other international fisheries commissions do not get the funds necessary to do the kinds of protective programs that you say you want.

That is why this amendment is supported by the Humane Society, by the Defenders of Wildlife, by the Friends of the Earth, the American Humane Association, the Fund for Animals, because they recognize the need to get these countries to pay their share as they agreed to do. That is the nature of contracts, that is the nature of treaties, that is the nature of international agreements. What do we have? Do we have an invisible clause that is known only to the diplomats, only to the negotiators that says in the event you decide not to pay, the U.S. treasury will pick up the difference? I do not think so. I do not think that is the way it should be, but that is the way it has been on this commission since 1949. We have been shoveling the money to this commission and these countries have been going along for the ride. Now we have provided them with a substantial benefit and access to the American markets and we are not requiring that they pay their fair share.

Remember, under this amendment, we are picking up 50 percent of the cost. We are harvesting 5 percent of the tuna. So I am giving them the benefit of the doubt that they are small and they are poor and they are a lot of things. But this is 50 percent of the cost.

Do your taxpayer a favor tonight. Support this amendment, support it in the same manner that it was supported in the United States Senate and, that is, on an overwhelming 2-to-1 vote on a bipartisan basis, recognizing the need to enforce the agreement as it is written, as it was agreed to and the need to protect the taxpayer.

We talk a lot in these international agreements about mission creep. Well, this is cost creep. The budget keeps going up, they keep agreeing to it, and we just keep laying off a little bit more on the American taxpayer. Let us stop the unfairness, if you will, and let us go with the guidelines of the treaty. As I say, we will continue to pick up 50 percent. They can then negotiate and they can negotiate whatever terms they want, but the fact of the matter is, we will not be sitting around waiting for them to do and continue to dip into the U.S. Treasury on behalf of these countries that have just decided they are simply not going to pay in spite of the fact that this Congress in a dramatic move opened up the American market. So this is a very important principle, that people should pay their fair share and even then some, but that is the way it is. We will continue to pick up 50 percent.

Mr. Chairman, for 2 years the gentleman from California, tried everything that he could to kill the tuna-dolphin bill along with the Democrat in the other body from California. We thought that was wrong, and we still do. For the gentleman to claim that this is a fiscal responsibility issue is laughable. They have done everything that they can to kill this, and it is bipartisan opposition they face.

In the Senate I talked to the Senators. They said the B–2 should have such stealth. They came in, they did not know this killed the tuna-dolphin bill. We had not had a chance to gear up for the letters and no wonder it passed. They did not know that it was going to hurt the tuna-dolphin bill which they voted for overwhelmingly.
would say, Mr. Chairman, the President, the Vice President, the State Department, bipartisan Congress, Center for Marine Conservation, Green Peace, Scripps Institute of Oceanography and 11 other nations, they said build it and they will come. I want to build it and save the dolphins, save all marine mammals, and 11 nations will come. And they did come.

Mr. Chairman, I would say: "Shoeless GEORGE MILLER, tell me it is not so. Please, Shoeless GEORGE MILLER, tell me it is not so. Tell me, please, that you would offer this anti-environment amendment. Tell me, please, GEORGE MILLER, that one of the groups that oppose this was a group that wanted in California to stop trout and bass fishing because it hurt the fish. Tell me it isn't so, shoeless GEORGE MILLER. Tell me that the other group that opposes this of all the environmental groups is the group that the unibomber supported. They spike trees to kill the fish, to kill the fish. And tell me it isn't so, Mr. GEORGE MILLER. Tell me it isn't so." For them to say that this is a fiscal issue is just wrong.

Let me give my colleagues some letters. Clinton-Gore administration State Department: "The amendment would seriously jeopardize important programs being undertaken by the IATTC." The President highlighted this. He had a Rose Garden signature, and the gentleman is trying to kill that. Please come back and help us.

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An amendment by Mr. Crowley numbered 7; An amendment by Mr. Tausin and Mr. Dingell regarding FCC regulations; An amendment by Mr. Wynn increasing EEOC, with decrease in State Department funds; An amendment by Mr. Hayworth regarding U.N. World Heritage Sites; An amendment by Ms. Jackson-Lee of Texas regarding hate crimes; An amendment by Mr. Davis of Illinois regarding law enforcement grants; and An amendment by Mr. Dingell regarding criminal records upgrade.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Kentucky?

Mr. Serrano. Reserving the right to object, Mr. Speaker, and I will not be objecting, I just wanted to ask two questions, one of whomever. Is it our intention on any votes that may be involved here to roll those votes or cluster those votes?

Mr. Rogers. Speaker, will the gentleman yield?

Mr. Serrano. I yield to the gentleman from Kentucky.

Mr. Rogers. The intent is that we will roll the votes until concluded and then take all of the votes at the same time.

Mr. Serrano. And secondly, does the gentleman from Kentucky know if we could save any more time? Are there any of these amendments that the gentleman is willing to accept from our side without any further debate?

Mr. Rogers. There very well may be.

Mr. Serrano. But he is not about to tell me right now.

Mr. Rogers. Time will tell, Mr. Speaker.

Mr. Serrano. Time is what I had in mind, and saving even more.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 273 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2670.

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. HAYWORTH

An amendment offered by Mr. Hayworth, Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Hayworth;

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for any activity in support of adding or maintaining any World Heritage Site in the United States on the list of world heritage in danger. It is based on the provision in the American Land Sovereignty Protection Act, H.R. 883 which passed in this House on May 20 of this year by voice vote.

The World Heritage Committee has been attempting to extend the reach of the Convention concerning the protection of the world's cultural and natural heritage beyond a world heritage site in an effort to influence activities around the site. Unfortunately, the World Heritage Committee has interfered several times in ongoing internal economic development permitting processes of sovereign nations, including a project on private land in the United States.

The World Heritage Committee, with the approval of the executive branch, has ignored Federal law and infringed on constitutionally protected private property rights by disrupting the National Environmental Policy Act procedures for a project located on private land. Under the World Heritage Convention, the World Heritage Committee monitors activities in and around a site in danger, and the country in which the site is danger is obligated to aid the committee in this monitoring.

Mr. Hayworth. Mr. Chairman, I ask Members to vote yes on this amendment. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. Serrano. I claim the time in opposition to the amendment, and I ask unanimous consent to yield that time to the gentleman from Minnesota...
(Mr. VENTO) and have him control that time.

The CHAIRMAN. The gentleman from Minnesota (Mr. VENTO) is recognized for 5 minutes.

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. One of the historians wrote about our Nation and about some of the American spirit, one of the things that they observed was our parks until they pointed out that our parks and conservation of our landscape is one of the best ideas that Americans ever had.

Back in the 1960s, then President Nixon was successful in leading globally in terms of establishing the World Heritage Convention Treaty. Since we first signed that treaty, we have 152 different nations that have signed the treaty and have identified over 500 World Heritage sites. These are some parks in our country, only about 20 sites that are recognized in our country as being World Heritage sites, but in other countries, almost 500 sites are recognized in those countries, the other 151 countries.

It is a way when you obviously lead in terms of demonstrating voluntary conservation. Every one of these sites, first of all, before it can be included and designated or recognized on this list, must be already protected. The land is already protected before it is included in this treaty provision.

Secondly, the requirement is completely voluntary. If the country does not want it listed, it does not become listed, so we have to nominate these particular sites.

So my point is that this amendment would pull the rug out from under the U.S. leadership on an international basis for voluntary conservation of park-like sites in our country.

One of the recommendations, if in fact the country does not proceed in terms of protecting the sites that they have agreed to protect, that they had protected before they nominated them for listing, is that they can be delisted. In some cases where there is degradation that goes on to a park or cultural site, they will obviously recognize that as a site at risk.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, first of all I want to state that the statement made by the author of this amendment is just not based on fact. There is no problem with the World Heritage Convention. It is essentially an international agreement where the host country, in this case the United States, has to say that we will participate and we will protect those lands. If we even bring them to you to put on the list.

I rise as cochair of the Congressional Tourism Caucus. We have places like Yellowstone, places that are already protected under the National Park System, we have to do that as a country. The World Heritage Commission cannot do it. They have no authority over how to regulate land. That is uniquely an American and State and local government process.

But if your own very proud of a piece of land that you protected, as we have been in California in protecting a lot of parks and have nominated our State parks, and even some county water districts have nominated their lands to be protected, to have them designated, because it is a prestigious designation. It is like the Good Housekeeping Seal of Approval. It is essentially saying that this area is recognized as a special spot on the Earth for wildlife preservation and for the program to manage the land well.

This is all done by the host country, not by any international organization. It is a convention where all with like kinds of land can come together and say look as a country that is our host country, then you can be on this list.

So the gentleman who has offered this amendment, in saying that this has ability to affect private lands is totally wrong, unless that landowner, as we have in California, had nominated their private lands to be protected. Then it can be protected, if it meets the criteria. But to come along unilaterally and designate it is totally false.

I ask for a rejection of this amendment in strong terms.

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

Mr. Chairman, I think that this amendment, at best, could be described as a misunderstanding. But the fact is for us, after being emulated by 151 nations, to pull the rug out from under this program which is conserving and preserving many other areas simply on a voluntary basis, I think is a wrong course of action to make here tonight. I think that the parks and cultural sites are one of the things that our Nation is most proud about.

I would say that in the future, our Nation needs to lead on an international basis, and if we cannot do it on a voluntary basis, one wonders where we can do it. If there is something wrong with what is happening in the Everglades and that area is at risk or something in the Yellowstone, the fact of the matter is it is up to us to try to correct that. If other nations are calling our attention to it, as we do in their Nation when there are problems, I think it is entirely appropriate.

There is no effect on private lands that comes from the World Heritage Convention. It may come from the generic laws with regard to parks or public lands, but it does not flow from that. I think in that case we do it in a very democratic manner.

I urge Members to reject this bad amendment.

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

Mr. Chairman, I listened with great interest to the comments from my friend from Minnesota and my other friend from California. I heard some sort of analogy that this designation equated with the Good Housekeeping Seal of Approval.

Mr. Chairman, this is not simply some sort of travel guide, something to be desired for, for what it does is establish a framework by which, in essence, another body, an international body, experts control and influence on property decisions of the United States.

Mr. Chairman, the question is not about parks, for we all stand in favor of our National Parks and Heritage Sites that this Congress articulates, that this Congress commemorates, but there should be no misunderstanding that in some way, shape, or fashion we would cede any of that authority, which rests constitutionally, which rests traditionally with this body in this legislative branch, with the Congress of the United States.

To allow the opportunity, as my friend from Minnesota mentioned, economic development outside of Yellowstone National Park and reasonable proximity, to have these types of actions by an international body, to, in essence, condemn economic activity, I believe is wrong. The Congress of the United States and landowners who are American citizens should make those decisions.

So if I am not mistaken, if you want to stand for sovereignty and the primacy of American law, so there is no misunderstanding, so there is no usurpation of that authority by any international body, I urge my colleagues to support this amendment.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

The CHAIRMAN. The Committee will rise.

Mr. KOLBE assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 507) "An Act to provide for the conservation and development of water and related resources,
I yield 1½ minutes to the gentleman from New York. Mr. Chairman, I rise in strong support of this amendment, and the reason is very simple. The only way we can begin to solve the police brutality problem is to hold municipalities accountable for wrongdoing. This amendment would allow the Attorney General to limit the funding of police departments if they do not give vital statistics on police brutality to the Department of Justice.

Mr. MEEKS of New York. Mr. Chairman, I rise in strong support of this amendment, and the reason is very simple. The only way we can begin to solve the police brutality problem is to hold municipalities accountable for wrongdoing. This amendment would allow the Attorney General to limit the funding of police departments if they do not give vital statistics on police brutality to the Department of Justice.

Through the current law, the Attorney General collects data and provides a summary. If they have a problem retrieving data from a police department which is cited in the summary, funds should not go to that municipality or that police department.

1830

As the cochairman of the Congressional Black Caucus on police brutality with the gentleman from Illinois (Mr. DAVIS), we have heard hours of testimony on the need to hold law enforcement departments accountable for egregious acts against citizens. In every city, Chicago, Washington, D.C., and New York, and we will be traveling to Los Angeles, is the same complaint. If we do not have cooperation from our police departments, we should not give them funding. We need some legislation with teeth to enforce the fact that we will not be blind to police brutality and misconduct.

This amendment is a step in the right direction. We demand and must have integrity of our government and integrity of the police department so that the good police officers are not branded with the bad. By making sure that these municipalities report the figures so that we can truly solve the problem, this is the way that we can combat that and resolve our problems with respect to it to the police force.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. Rush).

Mr. RUSH. Mr. Chairman, I rise in support of this amendment. As a Member of this body, I have heard victim after victim, attorney after attorney, family after family, express to me the severity of the problem of police brutality and misconduct in our Nation's cities and our Nation's towns.

In 1994, this Congress passed legislation requiring the Department of Justice to collect data on the use of excessive force. However, we failed to appropriate any funding for the data collection. Furthermore, this year the Department of Justice failed to even request the funding to collect police misconduct data.

Let me be clear, Mr. Chairman, I support law enforcement. People in the First Congressional District support law enforcement. However, I do not and cannot support police use of excessive force. To begin to treat the misconduct, I must, we should, gather the statistics.

This amendment simply requires that State and local law enforcement agencies report data regarding police use of excessive force to the U.S. Attorney General. By collecting this data, by examining this problem, we will be able to determine the severity of the problem, and we will be able to develop solutions to reduce police brutality and misconduct incidents.

I urge my colleagues to vote for this timely amendment.

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

Mr. Chairman, I think it is clear that police brutality and misconduct are serious matters in many communities throughout America. The Congressional Black Caucus is seriously interested in and concerned about this problem. We simply want to have the information available so that the Attorney General can investigate practices and patterns that may involve police brutality and misconduct.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Kentucky (Mr. ROGERS), if I could.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I appreciate the Chairman's willingness to engage in this colloquy.

As the chairman knows, Section 210402 of the Crime Control Act of 1994 requires the Attorney General to acquire data about the use of excessive force by law enforcement officers, and shall publish an annual summary report.

I am concerned that this requirement is not getting the priority treatment within the Department of Justice that it needs to produce an effective report.

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

Mr. DAVIS of Illinois. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman for raising this important issue. The Committee recognizes the importance of collecting this data, and I will work with the gentleman to raise this issue in conference.

I will also be happy to join with the gentleman and the ranking member in a letter to the Attorney General on this issue, and I look forward to working with the gentleman on it.

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman. We appreciate the gentleman's sensitivity to the issue. I also want to thank the gentleman from New York (Mr. MEEKS) and the gentleman from Illinois (Mr. Rush) for joining me in this amendment.

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

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

Mr. SERRANO. Mr. Chairman, I want to thank the chairman for his colloquy, and I want to thank the gentleman from Illinois (Mr. Davis) for his fine presentation.

This is something that concerns me, and I am glad to hear that the chairman is willing to join the gentleman...
from Illinois (Mr. Davis) in this effort. I want to be very much a part of this effort and make sure that this is something that we deal with.

Mr. Chairman, I have often said, my greatest concern is, throughout all of my years growing up in the Bronx, I always saw the older folks in my community very supportive of the police. Now I see a lot of those folks upset, terrified, nervous about the police. That in itself is a sign to me that we have to do something to make sure that we regain that confidence that we have lost.

So we are on the side of law enforcement. That is why we are doing what we are doing. I am glad that we can join together.

Mr. Secretary of Illinois. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. SOFFERED BY MR. CAMPBELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Campbell:  H.R. 2670

AMENDMENT NO. 5. At the end of the bill, insert after the last section (preceding the short title) the following:

```plaintext
SEC. 1. None of the funds appropriated under this Act may be used to enforce the provisions of 8 U.S.C. 1534(e)(3)(F)(ii).

The CHAIRMAN. Under a previous order, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, there are 24 persons either in jail or otherwise facing deportation in the United States under a very unusual law. I am quoting from the Washington Post description:

“A little-known provision of immigration law in effect since the 1950s allows secret evidence to be introduced in certain immigration proceedings. The classified information, usually from the FBI, is shared with judges but withheld from the accused and their lawyers.

“Lawyers, the rarely used provision has fallen most heavily on Arabs, and their advocates say this is no coincidence.

“Mr. Chairman, this use of secret evidence, the evidence that the accused cannot see, has been held unconstitutional every time it has been challenged: the Ninth Circuit, the D.C. Circuit; just in the last year, three immigration judges. But the Department of Justice nevertheless continues to use secret evidence in the other courts, where he has no way to dispute it. This to me is unconstitutional.

It strikes the editorial boards of the Washington Post, the St. Petersburg Times, and the Miami Herald as unconstitutional, as well. The Washington Post, for example, says, “The use of secret evidence in pursuing adverse judicial actions against people is a blot on our legal system that ought to be changed.”

The St. Petersburg, Florida, Times points out, in the case of Dr. Mazen Al-Najjar, “If investigators have incriminating evidence against Al-Najjar, then let him, his family, and the rest of the Nation see it. Either Al-Najjar should be given this activity by itself, in plain view, or he should be set free. The U.S. Constitution calls for no less. He deserves no less.”

The Miami Herald concludes “The INS and Justice Department must cease immediately this condemnation by innuendo, denial of liberty based on secret testimony, and destruction of reputation on the basis of guilt by association.”

Mr. Chairman, my coauthor in this effort is the gentleman from Michigan (Mr. Bonior), the distinguished minority whip. If he comes to the floor, I wish to reserve time for him. If not, I will have additional comments.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. DIXON. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from California (Mr. Dixon) is recognized for 5 minutes.

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

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

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

Mr. Chairman, I rise today in support of the amendment to the Commerce-Justice-State Department Appropriations Act, Mr. Bonior-Campbell. This amendment stops the funding for the use of secret evidence by the Immigration Naturalization Service.

In 1996 an amendment was added to the Anti-terrorism and Effective Death Penalty Act, authorizing the INS to use secret evidence in barring or deporting immigrants as well as denying benefits such as asylum. However, this law restricts two rights Americans hold very dear: (1) the right to due process and (2) the right to free speech. This country has always and must continue to value the right to a fair trial and the freedom to hold and practice personal beliefs.

However, allowing the use of secret evidence undermines the rights and liberty of both citizens and legal aliens alike because it lessens the constraints of both Constitutional considerations and conscience on INS cases. The case of the Iraqi seven clearly illustrates the flawed use of secret evidence.

Seven Iraqi individuals were among the many Iraqi Arabs and Kurds who were part of a CIA-backed plot to overthrow Saddam Hussein. With appealing to gain political asylum in the United States after their work in Iraq with 1,200 other Iraqis, these seven individuals were singled out and detained by the United States Immigration and Naturalization Service on the claim that they were a risk to national security. These seven individuals, who had worked with the U.S. in opposition to Saddam Hussein, were now seen as a threat to our national security based on secret evidence that we are not allowed to see. Not the 7 Iraqis. And not their attorneys. Evidence that could be used to deny them asylum and deport them back to Iraq where they would surely meet their death.

The pressure to use this so-called secret evidence was released. Closer examination revealed the evidence was tarnished due to its faulty translations, misinformation and use of ethnic and religious stereotyping. There have been about 50 cases where secret evidence led to detain and deport individuals. This is un-American.

The cornerstone of our judicial system is that evidence cannot be used against someone unless he or she had the chance to confront it. The INS is relying more and more on the use of secret evidence. If we continue to fund the use of secret evidence against non-citizens, then soon secret evidence will be used against American citizens too. There will be no limit to its use.

So, I encourage my colleagues to support this amendment. I ask you to maintain and defend the civil rights of all citizens living in the United States under the U.S. Constitution. Vote “yes” on the Campbell amendment.

Mr. Chairman, I include material relating to this matter for the RECORD.

The material referred to is as follows:

DEAR COLLEAGUE, we invite you to join us in cosponsoring “The Secret Evidence Repeal Act of 1999,” a bill to repeal the use of “secret evidence” in Immigration and Naturalization Service deportation hearings.

Under the Anti-terrorism and Effective Death Penalty Act of 1996, the INS is allowed to arrest, detain and deport non-citizens on the basis of “secret evidence” — evidence whose source and substance is not revealed to those who are targets or their counsel.

The right to confront your accuser, hear the evidence against you and secure a speedy trial are fundamental tenets of the American justice system. This amendment guarantees faith in the right to due process, and violates our democracy’s most sacred document, the United States Constitution.

We are very concerned about the arrest, imprisonment and even forced deportation of individuals here in the United States based on evidence that the individual is not afforded an opportunity to review or challenge. The use of such “secret evidence” directly contradicts our sense of due process and fairness.

The Bonior-Campbell bill would correct this injustice by ensuring that no one is removed, or otherwise be deprived of liberty based on evidence kept secret from them.

People should know the crimes with which they are being charged and should be given a chance to challenge those charges in court.

I am proud to join my colleague, Congressman David Bonior, in proposing legislation to end this practice. Most affected by the INS and Justice Department’s use of “secret evidence” are Muslims and perhaps the most egregious case is Dr. Mazen Al-Najjar of Tallahassee, Florida, arrested two years ago by INS agents.

Virtually all of the “secret evidence” cases have been directed at Muslims and people of Arab descent. This is not a secret. This is not a law enforcement. This is not a border patrol. This is not a signatory of our nation’s constitutional and unconstitutional, and we need to take a strong stand against it.
IT’S UNTHINKABLE THAT IN AMERICA AN INDIVIDUAL COULD BE IMPRISONED WITHOUT SHOWING THAT PERSON THE EVIDENCE
OUR AMENDMENT NEEDS BLOCK FUNDING ONLY

FOR THIS SECTION:

“(i) Restrictions on disclosure
A special attorney receiving classified information under clause (i) shall be subject to a
fine under Title 18, imprisoned for not less than
10 years nor more than 25 years, or both.”

AMENDMENT TO H.R. 2695, AS REPORTED
OFFERED BY MR. CAMPBELL OF CALIFORNIA

At the end of the bill, insert after the last
section (preceding the short title) the following:

SEC. None of the funds appropriated under this Act may be used to enforce the provision of 8 U.S.C. 1533(3)(F) (iii).

[From the LA Times, Dec. 15, 1997]

USE OF SECRET EVIDENCE BY INS ASSAIRED

(By J eff Leff)

While a judge weighs a decision in his case, Ali Mustapha is still waiting to hear the evidence against him.

Along with hundreds of other Iraqis who worked with the Central Intelligence Agency in a failed effort to oust Saddam Hussein, he fled northern Iraq last year and sought political asylum in this country.

Upon his arrival, he and 12 other refugees were thrown in jail, accused by the Immigration and Naturalization Service of posing a “danger to the security of the United States,” an allegation the agency has re-fused to explain.

The case of the Iraqi refugees is the latest front in the widening legal battle over the INS use of classified evidence.

In the proceedings against the refugees, the INS has argued its case and questioned its witnesses—one of whom isemployed by an agency it will not identify—behind closed doors. The refugees were not present. They had to put on a defense based essentially on guesswork.

“It’s completely frustrating,” said Niels Frenzen, a Public Defender who represents the eight Iraqi men who are jailed in San Pedro. “How are we doing? We don’t know. Have we guessed the secret evidence correctly?”

Both sides have rested their cases and are awaiting immigration judge D.D. Sitglates’ decision. She has indicated that she may not rule until early 1998 on whether six of the men jailed in San Pedro are security risks.

Sitglates already has ruled that two others are not, but they remain incarcerated while they seek political asylum. Another group of Iraqis faces similar proceedings in Northern California.

In a telephone interview from the INS detention facility in San Pedro, Mohammed Karim, 35, said he is a doctor who was ex-ecuted about starting a new life with his fam-ily in the United States. He said he once treated an American CIA operative in Iraq for a migraine headache, and denied that he was an agent for Hussein.

“I was never a single agent,” he said. “How could I be a double agent?” He added that the allegations against them are “just illu-sions.”

Although the use of secret evidence is pro-hibited in criminal courts, the INS use of such information to deny political asylum is permitted under Supreme Court decisions dating from the 1950s. And under new legislation, the immigration service is allowed to use secret evidence to deport resi-dents suspected of associating with ter-rors.

David Cole, a Georgetown University law professor who is suing the federal govern-ment over its use of secret evidence in a New York immigration case, says that the Iraqis were evacuated and transported to this coun-try by the government and are entitled to due process.

“Even the most minimal due process pro-tection would invalidate the use of secret evidence,” Cole said.

But the INS refused to reveal the nature of its suspicions about the Iraqis. INS of-ficials noted that national security is typi-cally used as a basis for keeping out spies or potential terrorists. It has been used to block members of the Iraqi Republican Army from staying in the country.

Before being flown to the United States, the Iraqi refugees had worked for their coun-try’s two main resistance groups: the Iraqi National Congress and the Iraqi National Ac-cord. Those groups produced newspaper arti-cles and radio broadcasts critical of Hussein, and mobilized soldiers to battle his forces.

Many experts believe that despite the CIA’s support, the resistance was never large enough to pose a threat to the Iraqi leadership, in part because the groups were riven by internal political disputes. And even the resistance leaders concede that Hussein’s spies may have infiltrated the groups.

In August, Iraqi military forces rolled into northern Iraq and crushed the resistance ef-fort: U.S. forces evacuated more than 6,000 Iraqis and Kurds to a NATO air base in Tur-key before flying them to Guam.

During their five-month stay in Guam, the refugees were treated like American civilians—in cluding, Frenzen notes with irony, the right to face one’s accuser in court. They also sub-mitted to FBI interviews.

Frenzen contends that disgruntled resist ance workers, motivated in some cases by petty personal disputes with their clients, in-tentionally misled the FBI about their back-grounds.

But because the FBI’s reports of those interviews are classified, federal authorities will not disclose what disclosures are consi-dered potential threats to national security. The INS has granted asylum to their wives and children.

The proceedings—at least the portion that was open to the public—have shed little light on the evidence. Sitglates has repeatedly stopped the Iraqis’ lawyers from probing into deeply into classified evidence, forcing them to essentially guess what in their clients’ background raised red flags for the FBI.

In a typical exchange recently, FBI Agent Mark Merfalen testified that he interviewed one of the refugees about his experience with chemical weapons, his service in the Iraqi military before he deserted to join the resis-tance and his escape attempt for political asy-lum filed in Saudi Arabia.

But Merfalen, a counterintelligence spe-cialist assigned to the FBI’s Oakland office, did not indicate what information led him to conclude that the man, Mohammed Al-Ammayy, posed a security threat.

“I don’t have enough facts,” to form an opinion about whether Al-Ammayy re-presented a threat, Merfalen said at one point.

A key witness for the accused was Ahmad Chalabi, an Iraqi American Congress-ment, who testified by telephone from an INS office in Arlington, Va.

“I do not believe that any of them is an agent for the Iraqis,” Merfalen said. He said the congress conducted back-ground checks on its members, and that he

was also assured that the men were not spies for Iran, Syria or Turkey.

“It is inconceivable to the Iraqi people why these people are jailed,” he said.

[From the LA Times, Dec. 15, 1997]

SECRET EVIDENCE—A LOCAL PROFESSOR LAN-
guishes in jail, even though he has been ch-arged with no crime, thanks to a Troubling Provision of a New Anti-Terrorism Law.

In their zeal to protect U.S. citizens against acts of domestic terrorism, such as the World Trade Center and Oklahoma City bomb-ings, President Clinton and Congress passed the Anti-terrorism and Effective Death Penalty Act of 1996. Unfortunately, the legislation undermines some of the con-stitutional rights that make America the free nation it is.

Nothing illustrates this dilemma better than the case involving Palestinian refugee Mazen Al-Najjar, a 40-year-old, American-eduated engineer who taught Arabic part time at the University of South Florida in Tampa. He was not rehired after his visa was not renewed.

Al-Najjar has been in an Immigration and Naturalization Service holding facility at the Manatee County Jail since four agents took him from his home the morning of May 19. He has been denied bail based on “secret evidence” said to con-nect him with the Islamic Jihad, a notorious terrorist organization on the FBI’s list.

INS officials allege that the World and Islam Studies Enterprise, the USF think tank that Al-Najjar managed, is a fund-raising front for terrorists and that Al-Najjar is an Islamic Jihad shill. Troubles started for Al-Najjar and others connected to WISE on June 29, 1996, when the USF and a member of WISE, became the new leader of Islamic Jihad.

Authorities assumed they would find a ter-ror cell at USF. But no convincing evi-dence to support that suspicion has been made public. After an internal investigation, USF President Betty Castor said: “There illegal activity, subversive activity, terrorist activity anywhere? We don’t have any evidence of that.”

Was USF’s investigation incomplete? Were Castor’s conclusions self-serving? If the gov-ernment possesses evidence that USF inves-tigation missed, it isn’t revealing it.

Yet Al-Najjar remains in jail. No formal charges have been brought against him. He is being held under an unconstitutional provi-sion of the Anti-terrorism Act. The merit of the case notwithstanding, the anti-terrorism legislation allows the government to use in-formant testimony or other forms of secret evidence to imprison and deport legal immi-grants suspected of terrorism without let-ting the suspects cross-examine their accus-ers.

Remember, the U.S. supreme Court has ruled that aliens have the same rights of due process that U.S. citizens enjoy. U.S. citizens should expect their government to take all reasonable steps to protect them from ter-rorism, both foreign and domestic. But of-ficials have a responsibility to balance the need for security with the obligation to pro-tect the constitutional rights of everyone.

Investigators have incriminating evi-dence against Al-Najjar, his family and the rest of the nation see it. Ei-ther Al-Najjar should be tried—with evidence of his activities in plain view—or he should be freed. The U.S. constitution calls for no less. He deserves no less.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.
Mr. Chairman, there is certainly no one more distinguished here in the Chamber on constitutional law than the gentleman from California (Mr. CAMPBELL).

Mr. Chairman, I will be brief. In January, 1989, the U.S. Supreme Court decision, the court ruled that classified information could be used in an in camera or ex parte proceeding.

Now, there are clearly are constitutional grounds that do not exist for this. However, it is a policy issue. What this amendment says is that if an alien is being held for deportation and is going through a hearing process, one, that if the Justice Department does not disclose to him all of the facts in the case, or evidentiary material that they held against him, then he should be released from custody and obviously not deported.

I would point out first that these are not criminal proceedings. Therefore, the alien is not subject to the protection of the Fifth Amendment. This is an administrative proceeding, and as I have indicated, under certain circumstances where the national security of our country is at risk, where disclosing the entire information to the alien and either sources and methods or individuals, as to how they obtained the information, I think it is appropriate for the court to allow ex parte hearing.

The gentleman from California (Mr. CAMPBELL) recognizes that this is very rarely used. In over hundreds of thousands of cases in the past 2 years dealing with deportation, there have been only 30.

But most importantly, this is a very complicated issue, and there are merits on both sides of the issue. It should not be decided on the State-Congress-Judge issue bill. It should be, rather, examined quite thoroughly in the appropriate committees of the House and we then should make some recommendations.

Mr. Chairman, on those grounds I would oppose the amendment.

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

Mr. CAMPBELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Chairman, I want to thank my colleague for this amendment. This is a serious issue that needs to be addressed.

Our country was founded on the principles of individual liberty, and our Constitution deliberately and specifically protects the rights of individuals against the abuses of government. But unfortunately, in this country we have not always fulfilled this essential promise. It started out with Native Americans, affected African-Americans, it affected Japanese Americans, it affected German Americans during World War II, and now it is affecting Arab Americans and Muslim Americans in this country.

The anti-terrorism law that was passed in 1996 allows the Immigration and Naturalization Service to arrest, to detain, and to deport legal immigrants on the basis of secret evidence, evidence which is not revealed to the detainee. These legal immigrants are not charged with a crime, they are not allowed to even see the evidence against them. Some of them are not even allowed to post bail.

In this country, if we can imagine, some of the detainees have not been charged with any crime, have been in jail for over 2 years, not knowing why, where and how they were languishing there, and their families not having any recourse to get them out or have them have a hearing.

The right to confront one’s accusers, to hear the evidence against you, and to secure a speedy trial are fundamental tenets of the American justice system, and secret evidence violates our deepest faith in the right of due process, and violates our democracy’s most sacred document, which is the Constitution.

The Washington Post said, “Nothing is more inimical to the American system of justice than the use of secret evidence to deprive someone of his liberty.” This practice is clearly discriminatory, it is unconstitutional, and we need to stand up here in this body and take a strong stand against it; if not tonight, certainly in the future.

Virtually all the secret evidence, as I said, in these cases are against Arabs and Muslims in this country, some of whom have lived here for years with their families and with their children. I would just ask my friends to pay attention to this issue.

I want to commend my colleague, the gentleman from California, for raising this tonight. I hope that we can address this issue tonight and in the months to come.

Mr. DIXON. Mr. Chairman, I yield one minute to the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the committee.

Mr. ROGERS. Mr. Chairman, I am opposed to this amendment. The Justice Department has supported this proceeding as a necessary tool to fight terrorism. They oppose the amendment, as does the gentleman from Texas (Chairman SMITH) of the Subcommittee on Immigration and Claims, as does the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, the gentleman from Florida (Mr. GROSS), the chairman of the Permanent Select Committee on Intelligence, and the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime.

We all urge a no vote on the amendment.
trial and innocent until proven guilty. The current provisions under the Anti-terrorism and Effective Death Penalty Act of 1996 violates an individual’s constitutional right to know why they are being charged. Noncitizens who are legal Aliens charged in criminal proceedings are detained at the INS and individuals who have the same rights as U.S. citizens. Why are they punishing legal immigrants?

What if the U.S. citizens visiting a foreign country were unjustly charged and detained without any evidence provided? This is not my country. I would hazard to guess that most of us are shocked that this is the law. But it is the law, and it should be changed.

I want to thank the gentleman from Texas (Mr. Smith), the chairman of the subcommittee, for the opportunity to hold a one-panel hearing on this subject.

Mr. Rodriguez. Mr. Chairman, I rise in support of the Campbell amendment. I think in this day and age it is unfair to hold anyone with secret evidence.

I have met with families of some non-citizens who have been held. It is very frustrating when you have people held in such a manner.

These are people with families and ties to the community here. Some have fled and sought asylum. None have been shown to be a threat to society.

But, neither the individual nor the lawyer can see the evidence. So they wait in jail, with no country to go to.

I urge adoption of this amendment so the INS would disclose evidence on these people it continues to detain.

I thank the gentleman for his work on this issue.

Mr. Campbell. Mr. Chairman, in recognition of the kindness of the gentleman from Texas (Mr. Smith) I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California? There is no objection.

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. Porter) for a colleague.

Mr. Porter. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Mr. Rogers), the chairman of the subcommittee, for the opportunity to very briefly discuss the funding level for Radio Free Asia.

I regard the budget of any country, for any Agency, as a stepback and see how the commission is doing. The CHAIRMAN. The gentleman from Kentucky (Mr. Rogers) work with me to ensure that Radio Free Asia is funded at a level sufficient to maintain its current programming and continue to provide timely and accurate news to those who would not otherwise hear it.

As the bill goes forward to conference, I ask that the gentleman from Kentucky (Mr. Rogers) work with me to ensure that Radio Free Asia is funded at a level sufficient to maintain its current programming and continue to provide timely and accurate news to those who would not otherwise hear it.

The amendment offered by Mr. WyNN:

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

The Clerk reads as follows: Amendment offered by Mr. WyNN: At the end of the bill, insert after the last section (preceding the short title) the following:

Title viii—Additional General Provisions

Section 801. The amounts otherwise provided by this Act are revised by increasing the amount made available for “Equal Employment Opportunity Commission—Salaries and Expenses”, and reducing each amount appropriated for “DEPARTMENT OF STATE—Administration of Foreign Affairs” that is not required to be appropriated by a provision of law, by $33,000,000 or 0.8462 percent.

The CHAIRMAN. Under the previous order, the gentleman from Maryland (Mr. WyNN) is recognized for 5 minutes.

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

Mr. Chairman, this amendment is designed to restore $33 million to the Equal Employment Opportunity Commission. This amount was originally requested by the President.

Although we do not like to talk about it in this body, we do have a problem with race and ethnic diversity in America. Unfortunately, in addition, we found that we have a problem of racial discrimination in our own backyard, that being the Federal workplace.

This amendment is designed to restore funds so that EEOC can more efficiently and effectively process those complaints.

My colleagues may ask, well, how bad is it? Consider the following fact: at EEOC from 1991 to 1997, the backlog from hearing requests from complainants increased from 281 percent, from 4,100 to 10,000. The backlog of appeals increased during this same period 281 percent, from 1,400 to over 9,000 appeal requests. In addition, requests for new hearings at EEOC increased 94 percent, from 6,000 to over 11,000. I point out that this is just one problem in this country with discrimination. People who suffer discrimination attempt to have their complaints in the employment arena resolved through EEOC. But the underfunding, the chronic underfunding of EEOC has resulted in these horrendous backlogs.

Now, whenever people talk about discrimination, the first thing we will hear. Well, we have laws already on the books to handle discrimination. The problem is, with this underfunding and these backlogs, justice delayed is justice denied.

Who is hurt because we underfund EEOC? Well, clearly employees are hurt. Their careers are hurt. They are hurt by discrimination, the lack of promotion, the lack of advancement. Their health is sometimes injured as a result of the frustration, anger, and anxiety they have to suffer. Their finances are hurt as they give up on the EEO process and go hire lawyers.

The taxpayer loses. The employer loses the good employees whose productivity declines, the loss of good employees who leave government as a result of discrimination, and finally the loss of productivity and lower moral as people become frustrated because they are discriminated against.

We can resolve this problem. We should fully fund EEOC so we can address the concerns. Our American's, Hispanics, gays, women, and other minorities who suffer discrimination here in America.

For these reasons, I urge the passage of this amendment.

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

The CHAIRMAN. Does the gentleman from Kentucky seek to claim the time in opposition?

Mr. Rogers. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky (Mr. Rogers) is recognized for 5 minutes.

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

Mr. Chairman, I rise in opposition. The amendment would give a 12 percent increase to EEOC. That would be on top of a whopping 15 percent increase for the current year. An increase of this magnitude would be totally out of place in this bill where the budgets of every single other related agency is frozen at best. Some are cut even beyond. Federal Communications Commission, frozen. Securities and Exchange Commission, frozen. Federal Trade Commission, frozen. The President’s budget request for EEOC for 1999 promised that, if we provided $279 million, the backlog of private sector discrimination charges would be reduced to around 26,000 by the end of fiscal 2000.

Well, we gave them $279 million, every penny. Guess what? The 2000 budget request said they really need $33 million more and 150 more staff to meet those very same targets they had earlier missed.

This indicates that it is time to take a step back and see how the commission is doing. The CHAIRMAN. The gentleman from Kentucky (Mr. Rogers) work with me to ensure that Radio Free Asia is funded at a level sufficient to maintain its current programming and continue to provide timely and accurate news to those who would not otherwise hear it.

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

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. Porter) for a colleague.

Mr. Porter. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Mr. Rogers), the chairman of the subcommittee, for the opportunity to very briefly discuss the funding level for Radio Free Asia.

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As the bill goes forward to conference, I ask that the gentleman from Kentucky (Mr. Rogers) work with me to ensure that Radio Free Asia is funded at a level sufficient to maintain its current programming and continue to provide timely and accurate news to those who would not otherwise hear it.
have confidence in the new chairwoman. But this is not the time for another huge funding increase. The offsets the gentleman proposes are totally unacceptable to this Member. The amendment would cut $4.6 million from the top priorities of this country, and that is providing security for our personnel in the embassies overseas. This would require cutbacks in security measures undertaken in the wake of the East Africa bombings. I will not tolerate that, Mr. Chairman.

We pressed the administration to come forward with a request in their budget to address the security in the embassies overseas. They have done so, we have made sacrifices in other parts of the bill to provide that money, the full amount requested to ensure that our personnel overseas are protected to the best we can from terrorist attacks. This bill requires sacrifice with life and death consequences as we saw so tragically last fall. In addition, the amendment takes an additional $21 million from the base operating costs of the State Department that are already funded at a level that is normally adequate to allow the Department to continue to function near current levels. This cut would effectively freeze the Department at current levels and raise the possibility of post closings and reductions in personnel at the State Department.

The amendment would take an additional $1.5 million from the educational and cultural exchange programs. Tapy has already, it is reduced 14 percent from current levels.

For these reasons, I urge a rejection of the gentleman's amendment. I wish we had more funding to provide increases in a number of agencies in the bill. But I believe it would be a serious mistake to cut State Department security funds and operating funds to provide a huge increase for the EEOC.

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

Mr. Chairman, I would like to respond to the comments that were just made on several fronts. First, with respect to the funding that was provided last year, I would thank the gentleman. But my colleagues will note in his comments, the chairman said this funding will allow us to have a backlog of only 28,000 cases, only 28,000 cases.

My point is this: those are the cases of American citizens who believe they have been denied fundamental opportunities and are trying to pursue their appropriate redress through the vehicle, the EEOC, which we provided to appropriate redress through the vehicles and are trying to pursue their rights of American citizens who believe they have a backlog of only 28,000 cases. We would have to consider what would wrap this chamber in knots for weeks. We would have to consider what would be an argument for it when we used to regulate telephone companies on cost-base rates. Today, since 1991, we regulate telephone companies entirely differently, on price caps. With the new changes and modernization, it is time to regulate this monolith in a mandatory burdensome double-book accounting system of the Federal Communications Commission. I urge my colleagues to adopt this amendment.

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

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

Mr. Chairman, we are in a telecommunications crisis out here on the floor. We are legislating on an appropriations bill. An emergency. A telecommunications emergency. And who is declaring the emergency? The chairman of the authorizing subcommittee. It is an emergency.

We do not have time to introduce a bill, we do not have time to have any hearings, we do not have time to give any consumer groups an audience so they can complain about this bill. By the way, the Consumer Federation of America opposes the bill, as does the Consumer Union, as does the National Retail Federation. Every business in America opposes it, as do the States, by the way, my colleagues. This is quite a coalition.

But we do not have time because we are in a telecommunications emergency. And I can tell my colleagues why. Because Senator Enzi from Wyoming attached this amendment over on the floor of the Senate. He is not a member of the Committee on Appropriations over there, he is not a member of the telecommunications committee over there. He attached this to a Senate appropriations bill, so we have no debate in this bill and no hearings. Thank God Senator Enzi has not gotten his own tax proposal. He would wrap this chamber in knots for weeks. We would have to consider what
Senator Enzi did on the Senate floor as an emergency. I can tell my colleagues what the emergency is. Under the existing accounting standards the FCC found that the telephone companies, the monopolies were hiding $5 billion in the worth of assets that they could not find, that they had on their books and were telling regulators were there for purposes of billing consumers across the country. That is their emergency. And this accounting standard that we are going to take off the books found that $5 billion.

We are concerned about tax breaks of the year. None of the competitors to the local telephone service companies to set out to do in the first place. There is no mystery about this amendment and its effect on consumers. Since these companies are now subject to price cap regulation, consumers are protected by a ceiling on what the telephone companies can charge. Costs are no longer relevant, and so the minute cost detail that is maintained in a second set of books is no longer necessary. It's that simple. This amendment simply finishes the job of completely adopting GAAP accounting, even though they've had 8 years finished the job of completely adopting GAAP and migrate from traditional rate of return to price regulation.

By this amendment, we will do away with so-called Uniform System of Accounts for companies that are not subject to traditional rate of return regulation. This system of accounting no longer serve to protect consumers. It is antiquated, obsolete, yet it costs over $300 million per year to maintain. Unfortunately, these unnecessary costs are borne by the public and they must be eliminated. The Uniform System of Accounts date back to 1935. They certainly made sense when Ma Bell was subject to regulatory scheme—that is, traditional rate of return regulation. But rate of return regulation was done away with in 1991 for the Nation's largest telephone companies who serve over 90% of the public. This amendment simply repeals these highly burdensome accounting rules for companies that are no longer subject to this regulatory regime.

The amendment makes consummate sense. It will save Government, industry, and, most importantly, the American public, a tremendous amount of money. It will enable companies to use just one set of books—those which follow Generally Accepted Accounting Principles, or GAAP. After all, GAAP accounting systems are what Certified Public Accountants are trained to audit, and are required of all companies that are publicly traded and the Securities and Exchanges Commission. If it's good enough for the IRS, the SEC, Wall Street and the public at large, it certainly should be good enough for the FCC.

In fact, it is a good enough for the FCC The FCC moved toward adopting GAAP in 1988. At that time, the FCC conformed about 90% of the Uniform System of Accounts to GAAP standards. The reason the FCC didn't go all the way in 1988 is because local telephone companies were still subject to rate of return regulation. But that is no longer the case. In 1991, the FCC permitted these companies to migrate from traditional rate of return to price cap regulation. Unfortunately, the FCC never finished the job of completely adopting GAAP accounting, even though they've had 8 years to do it.

There is no mystery about this amendment and its effect on consumers. Since these companies are now subject to price cap regulation, consumers are protected by a ceiling on what the telephone companies can charge. Costs are no longer relevant, and so the minute cost detail that is maintained in a second set of books is no longer necessary. It's that simple. This amendment simply finishes the job of completely adopting GAAP accounting, even though they've had 8 years to do it.

Who benefits from the amendment? The Government, industry, and consumers alike. All will share in costs savings that result. The goal of the Telecommunications Act of 1996 was to create more competition and consumer choice. We must unburden the players in the market and create a level playing field if that is to occur. I cannot think of a more irrelevant, burdensome, and discriminatory regulation than the Uniform System of Accounts.

When we passed the Telecommunications Act of 1996, the vast majority of us, on both sides of the aisle, praised it as being "deregulatory." As many of you know, I don't believe it has worked out quite that way, largely due to misplaced priorities at the FCC. But this amendment is in keeping with the spirit of the act, and it is small, but important, step in the right direction. I urge my colleagues to join me in voting yes on the Tauzin-Dingell amendment.

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

Mr. TAUZIN. Mr. Chairman, I yield myself 45 seconds.

Mr. TAUZIN. Mr. Chairman, the gentleman from Massachusetts (Mr. MARKAY) has 25 minutes remaining, the gentleman from Louisiana (Mr. DINGELL) has 7 minutes remaining, and the gentleman from Louisiana (Mr. TAUZIN) has the right to close.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume, and hope they are consumed at the same rate of duration as the gentleman from Michigan's minutes. Mr. Chairman, let me say that there has been no process here. There has been no opportunity to be heard. If I could, I would like to request from the subcommittee chairman that he engage in a colloquy with me, and I would request, the gentleman from Louisiana, the chairman of the subcommittee, over the next 6 weeks, call a subcommittee hearing on this issue so that witnesses of all sides could be heard on this subject.

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

Mr. MARKEY. I yield to the gentleman from Louisiana for a response to that request.

Mr. TAUZIN. Well, Mr. Chairman, let me say to my friend that this issue has already been engaged in. We have had discussions at authorization hearings with the FCC.

Mr. MARKEY. Reclaiming my time, Mr. Chairman, I would like to pose the question again. We have never had a hearing where consumer groups and the States have been able to testify on this issue. So I ask for a hearing not where the telephone monopolies are allowed to present their unhappiness with this accounting system that caused them bilking the public but rather with the consumer groups and the others who are also allowed to testify.

Mr. TAUZIN. If the gentleman will continue to yield, Mr. Chairman, I can answer with a statement. This amendment does not change the auditing by
the FCC. They can still catch any company, AT&T, MCI, any Bell company, doing anything wrong. This amendment does not change that. Mr. MARKEY. Well, Mr. Chairman, I asked the gentleman if he would grant a hearing before the conference is completed.

Mr. TAUZIN. The gentleman prefaced his request with statements I disagree with. I would like to correct the record. I could, if the gentleman will allow me.

Mr. MARKEY. I will reclaim my time requesting one more time if the gentleman would grant us a hearing.

Mr. TAUZIN. The answer is that the hearings, as the gentleman knows, are set by the chairman of the Committee on Commerce. I cannot commit to any dates nor time for that hearing. The gentleman knows that at this time.

More importantly, this issue is now enjoined. This will be in the conference committee and this is our chance to strike a single blow at deregulation at a commission with a 1930s attitude.

Mr. MARKEY. Reclaiming my time, Mr. Chairman, I will make this point. The United States Telephone Association has never contacted me, the ranking Democrat on the Subcommittee on Telecommunications, Trade, and Consumer Protection on this issue. There has never been a hearing where consumers or the States or the National Retail Association have been allowed to testify, and I think all Members should know that.

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

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to support this amendment.

In New York, our State’s public service commissioner is on the verge of granting the local telephone company, Bell Atlantic, permission to enter the long-distance market. If this happens, Bell Atlantic will probably be the first regional Bell operating company to enter into the long-distance market under the historic Telecommunications Act of 1996.

The reason they will be able to provide long-distance service is because competition is very much alive in New York, to the benefit of all consumers. This amendment continues that progress and protects the interests of all consumers and ensures the intent of the Telecommunications Act, which is to provide true competition.

With none of the competitors to the local telephone companies required to conform to these accounting rules, if we do not adopt this amendment, consumers will suffer greatly.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

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

Mr. BLUNT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the Chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, Mr. TAUZIN, and the Subcommittee’s ranking member, Mr. DINGELL.

This amendment would eliminate yet another needless, costly and burdensome regulatory requirement that has outlived whatever merits it may have once had. Local telephone companies, both large and small, must submit highly detailed financial accounting records on a continuing basis to both the IRS and the Securities and Exchange Commission. These records use an accounting method approved by the Financial Accounting Services Board.

One could reasonably ask the question, “If it’s good enough for the IRS and the SEC, shouldn’t it be good enough for the FCC?”

Mr. Chairman, this is not a complex issue. It is a simple case of unnecessary, archaic federal regulation that requires companies to spend millions of dollars to prepare two separate sets of regulatory accounting records for use by one agency. The amendment defies logic and common sense. I urge my colleagues to join me in supporting the Tauzin amendment.

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

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

Mr. FOSSELLA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in favor of the amendment introduced by Mr. TAUZIN to start the process of getting rid of the FCC’s so-called “Uniform System of Accounts.”

It’s become clear to me that what we have on our hands here is a 64-year-old dinosaur, a creature of the FCC, designed for an arcane accounting purpose, which has been rendered totally useless by time and progress but the price tag on American consumers continues. This has to end.

It has been estimated that allowing this accounting dinosaur to exist, and allowing the FCC to require telephone companies to follow it, is now costing American consumers and our economy as much as $300 million every year, that’s more than a million dollars every working day. The good news, Mr. Chairman, is this is a situation we can banish to the business trivia history books today by supporting Mr. TAUZIN’s amendment.

The truth is, Mr. Chairman, the FCC does not need to use this second, artificial system of accounting. It already uses the universally recognized method of accounting, Generally Accepted Accounting Principles, throughout its operations.

And Mr. TAUZIN’s amendment will in no way endanger the availability of low-cost “universal” telephone service. It also will not change the FCC’s oversight role, it will only make FCC operations more cost effective.

Mr. Chairman, the only purpose the Uniform System of Accounts serves today is to unformly penalize the American consumer and the rest of us all. Let’s put this dinosaur out of it’s misery, right now.

Mr. Chairman, in closing, I urge my colleagues to vote “yes” in support of the Tauzin amendment.

Mr. TAUZIN. Mr. Chairman, I yield 15 seconds to the gentleman from Texas (Mr. BONILLA).

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

Mr. BONILLA. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Louisiana. It is a big step toward cutting red tape for good, solid, reputable telephone companies. It is long overdue.

This is not 1934, it is 1999, and it is long overdue that we take action now.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. FROST), the chairman of our caucus.

Mr. FROST. Mr. Chairman, I rise in support of the amendment by my good friend, the gentleman from Michigan (Mr. DINGELL).

I think the point has been adequately made that local telephone companies, like every other U.S. business, keep their books according to generally accepted accounting principles, yet they must also keep a second set of books developed by the FCC in 1935. It is time to remove this process, this procedure.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. GONZALES), whose father was my good friend.

Mr. GONZALES. Mr. Chairman, I will keep it brief, I do not want to consume the whole argument here with facts, but let us see what has happened in the recent past.

The FCC has basically changed its own rules, which it can, to presently conform to 90 to 95 percent of what is now the generally accepted accounting principles. They are almost there, but they are not quite there, and as a result it does result in the keeping of two sets of books.

The second set of facts is this amendment leaves in place the FCC’s ability to require information on costs from the local telephone companies. This is not an end run, this is simply removing the requirement to do it now. Please support the amendment.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. RUSH).

Mr. MARKEY. Mr. Chairman, may I inquire as to how much time is remaining in the debate?

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 15 seconds remaining, and the gentleman from Louisiana (Mr. TAUZIN) has 15 seconds remaining.

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

Mr. RUSH. Mr. Chairman, I rise in support of the amendment.

I rise today in support of the Tauzin-Dingell amendment. Today local telephone companies have to follow GAAP procedures for the IRS and the SEC, and the Uniform System of Accounts for the FCC. This unnecessary duplication costs the industry and its consumers $270 million each year, and serves no purpose.

The Tauzin-Dingell amendment eliminates unnecessary regulation and levels the playing field.
Mr. Goodlatte. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Louisiana (Mr. Dingell) and urge my colleagues to do likewise. By adopting this provision, we will be able to achieve several objectives.

First, we can save the American consumer and telephone industry a significant amount of money. Second, we can take a step towards further reducing government regulation. And third, we will be achieving competitive balance in the industry. We should support this amendment.

It has been estimated that this double-accounting regime costs the industry and consumers $270 million. That is money that could be reinvested in telephone infrastructure, and used to introduce new products and services so essential in today's rapidly changing telecommunications market.

The telephone companies already keep one set of books for the IRS and SEC. Yet, the FCC makes them keep a whole other set of books for its accounting purposes. If the GAAP system is good enough for the IRS, it is good enough for the SEC, in fact is good enough for most of the American business world. I think it is good enough for the FCC.

No other segment of the telecommunications industry is required to keep these books, and it is unfair for one sector to be singled out for different treatment. These costly accounting practices skew the balance among the companies, and slow the ability of the companies subject to the regulation to introduce new products and services.

Commissioner Harold Furchgott-Roth of the FCC has indicated that, and I quote, "In today's increasing competitive telecommunications marketplace, the Commission should be focusing its efforts on transitioning to a more competitive environment. The amount of detailed information and regulatory scrutiny required under our accounting and ARMIS rules is inordinate and should be reduced." Mr. Speaker, that comes from one of the sitting Commissioners.

I urge my colleagues to vote in favor of the Tauzin amendment, and eliminate unnecessary regulation, save resources, and level the playing field for all telephone companies. I thank the gentleman and yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The question was taken; and the answer was "yea." Mr. Dingell asked, and was given permission to revise and extend his remarks.

Mr. Dingell. Mr. Chairman, I yield such time as he may consume to the distinguished gentlewoman from California (Ms. Millender-McDonald).

Ms. Millender-McDonald. Mr. Chairman, I stand in support of this amendment.

Mr. Chairman, I rise today in support of the Tauzin/Dingell amendment to the Commerce, Justice, State Appropriations Bill. The gentleman from Louisiana, Mr. Tauzin and the gentleman from Michigan, Mr. Dingell have crafted an amendment that would prohibit the Federal Communications Commission from requiring persons to use accounting methods that do not conform to Generally Accepted Accounting Principles (GAAP).

Today, the Federal Communications Commission requires local telephone companies to keep two sets of books.

No other industry is required to do this and it is unfair for the government to treat one segment of the telecommunications industry differently than we do others. This current requirement serves no purpose and should be eliminated.

Local telephone companies keep their financial records according to generally accepted accounting principles (GAAP), the standard required by the IRS, SEC, and the investment community. In addition, they must also keep another set of records that follows the Uniform Systems of Accounts, developed by the FCC in 1935 to facilitate the Commission's oversight of AT&T. This costs customers $270 million.

TheTauzin/Dingell amendment would simply prohibit the FCC from requiring companies to provide financial records in a format other than what is generally accepted. The amendment also leaves in place the FCC's obligation to adopt the GAAP in its decision making.

Like many other aspects of the regulatory framework, this requirement is no longer appropriate.

Today, the Federal Communications Commission is in the business of introducing new products and services. Slower depreciation may mean slower recovery of costs, which would reduce the incentives these companies have to deploy new technology.

I urge all Members to support this amendment by following GAAP, the FCC will not be jeopardizing universal service, local competition or any other congressional policy. I urge a "yea" vote.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Louisiana (Mr. Tauzin).

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

Mr. Ryan of Wisconsin, Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. Tauzin) will be postponed.

AMENDMENT OFFERED BY MR. CROWLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. Crowley: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available in this Act may be used for joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agency.

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

Mr. Chairman, my amendment would limit the funding from being expended for any joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agencies here in the United States.

This year the FBI began joint training between the FBI and the Royal Ulster Constabulary, the RUC, the police force of Northern Ireland.

The purpose of this program is to address "the new challenges that societal changes are having on law enforcement in the region."
In a press release, the FBI said topics discussed between the FBI and the RUC included interaction between the police and the public in a new environment, human rights, recognition of the diversity and anti-terrorism strategies.

The FBI National Academy has long been a vital element in continuing the improvement of law enforcement standards around the world through knowledge, training, and cooperation.

Unfortunately, the RUC, in charge of the RUC, in my opinion and in the opinion of many others, is not worthy of training with our best and brightest in the Federal enforcement field.

Mr. Chairman, I have the pleasure of serving on the Committee on International Relations and on this committee. Through the efforts of our fine chairman and my good friend, the gentleman from New York (Mr. Gilman), we recently held a hearing on new and acceptable policing in Northern Ireland.

One of those witnesses who testified before us was one Diane Hamill. Diane is the sister of Robert Hamill, a Nationalist who was killed by a Loyalist mob in downtown Portadown in Northern Ireland in 1997 while the RUC stood by and watched.

Last year before the Subcommittee on Human Rights of my colleague the gentleman from New Jersey (Mr. Smith), Northern Ireland defense attorney Rosemary Nelson testified that what she feared most from her work defending the Nationalist community in the north of Ireland was the RUC. She feared for her life because of the RUC’s collusion with Loyalist militias and the history of lack of protection of the Nationalist minority in the six counties of Northern Ireland.

Sadly, Rosemary Nelson is not here with us today. She was killed by a Loyalist militia car bomb. Her death silenced the voice for human rights and justice for all people in the north of Ireland.

Mr. Chairman, these are just two examples of human rights violations and the RUC’s history of collusion with Loyalist forces and lack of protection for the Nationalist community.

Mr. Chairman, let us also talk about diversity. The north of Ireland is roughly 55 percent Protestant, mostly Unionist, and 45 percent Catholic and mostly Nationalists. The makeup of the men and women in the RUC is 93 percent Protestant, presumably Unionist, and a call reflective of the population of Northern Ireland.

Mr. Chairman, we all know that the peace process has come to a virtual standstill in the north of Ireland. I and many of my colleagues and constituents are not happy about that.

One of the processes put into place by the peace process was the reformation of the RUC. This commission, called the Northern Ireland Independent Commission on Policing, is chaired by the Honorable Christopher Patten, the former British commissioner of Hong Kong. The commission is due to publish their report this fall.

Mr. Chairman, here are just a few of the suggestions to the commission that have already been reported to the press: the RUC must recruit more Catholics. The RUC must become a more representative police force of its community. And the RUC must protect all residents of Northern Ireland, both Nationalist and Unionists.

Mr. Chairman, I am not saying that we do not have problems with our own police forces here in the U.S. In fact, I encourage your department, including those in my own city, New York, to take advantage of the FBI’s resources and skills this fine law enforcement agency has to offer.

Mr. Chairman, what my amendment does say is that training programs with the FBI should be for legitimate police forces. The RUC is certainly, in my opinion, not a legitimate police force for Northern Ireland.

Mr. Chairman, I am looking forward to the publishing of the report from the Patten commission and ways to bring about a new police force in Northern Ireland, a force that represents the whole population and reflects the makeup of that community.

Until that time, I do not believe that the RUC should be allowed to train with America’s best and brightest in blue.

Let us move the peace process forward. Let us support fair representation of policing in the north of Ireland.

Support an amendment endorsed by the Irish National Caucus and Irish-Americans from all around.

Mr. Chairman, let me just say, first of all, I want to commend the gentleman from New Jersey (Mr. Smith) and thank my good friend for offering the proposal of the gentleman from New Jersey.

I yield back the balance of my time.

Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say, first of all, I want to commend the gentleman from New Jersey (Mr. CROWLEY) and the gentleman from New Jersey (Mr. SMITH) and the gentleman from New Jersey (Mr. CROWLEY) and the gentleman from New Jersey (Mr. SMITH). Mr. Smith, Mr. CROWLEY, Mr. SMITH of New Jersey. Mr. Chairman, I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I just want to associate myself with the proposal of the gentleman from New York (Mr. CROWLEY) and the gentleman from New Jersey (Mr. SMITH) and the gentleman from New Jersey (Mr. CROWLEY) and the gentleman from New Jersey (Mr. SMITH). Our committee conducted extensive hearings on the RUC problems. We have submitted that report to the British Government. We are hoping that they are going to reform the RUC. But until such time as they do, I would join with the gentleman from New York (Mr. CROWLEY) in asking that we stop assisting the RUC and training them by the FBI.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the interest of the gentleman in this issue, obviously.
Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey, yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, I appreciate the comments of the chairman. And I recognize the considerable gains made in the State Department authorization bill.

Mr. CROWLEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. CROWLEY) is withdrawn.

The CHAIRMAN. The Committee will rise to order.

The SPEAKER pro tempore (Mr. HANSEN) assumed the chair.

MESSAGE FROM THE PRESIDENT
A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The Committee resumed its sitting.

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

Mr. Chairman, I yield to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to thank the distinguished gentleman for yielding.

Mr. Chairman, I want to address to the chairman, as a father of two young daughters, on June 7 of this year, Mr. Chairman, the House overwhelmingly passed my bill, H.R. 1915, known as Jennifer's Law, which is still missing.

The bill was inspired by the disappearance in 1993 of a young Long Island woman named Jennifer Wilmer, who is still missing.

The bill would provide $2 million for grants to States to collect and input information on unidentified victims in a national database to assist in the location of missing persons, providing law enforcement officials with the tools to identify the persons reported as unidentified and so as to close many unsolved cases.

I am wondering if I could ask the distinguished chairman of the committee if he could provide assistance in ensuring that we can fund this important program.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman from New York (Mr. LAZIO) on his leadership on this issue.

I understand that the bill has a very high chance of being signed into law this year. My bill provides $60 million for grants authorized by the Crime Identification Technology Act of 1998 for grants to upgrade information and ID technologies.

I believe that the authorizing legislation can maintain information systems like Jennifer's Law when enacted that would be covered by this grant program.

I would be happy to continue to work with the gentleman from New York (Mr. LAZIO) on this issue.

Mr. LAZIO. Mr. Chairman, if the gentleman would continue to yield, I just want to thank the chairman for his pledge to collaborate. Based on his legislative skills and his reputation, I think we can take that to the bank.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk reads as follows:

Amendment offered by Mr. DINGELL.

Mr. DINGELL. At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a)(1) None of the funds provided under this Act for grants authorized by section 1102 of the Classification and Identification Technology Act of 1998 in the item relating to "DEPARTMENT OF JUSTICE—Community-Oriented Policing Services" may be used to provide funds to a State that has not certified on a quarterly basis to the Attorney General that 95 percent or more of the records of the State evidencing a State judicial determination by reason of a conviction for a felony under State law under which a person is described in paragraph (2) are sent to the Federal Bureau of Investigation to support implementation of the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Protection Act.

(a)(2) A person is described in this paragraph if the person is described in paragraph (1), (2), (3), (4), (5), or (6) of section 922 of the United States Code.

(a)(3) The Attorney General may prescribe guidelines and issue regulations necessary to carry out this Act.

(a)(4) This section shall take effect on the date that is 180 days after the date of the enactment of this Act.

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

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

There was no objection.

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

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

Mr. DINGELL. Mr. Chairman, the amendment is simple. It will ensure that the National Instant Criminal Background Check System, NICS, will catch more criminals and it will ensure that the system works properly as the Congress intended.

The Instant Check System took 5 years to build; it cost roughly a quarter of a billion dollars of the taxpayers' money. However, despite the time and money expended, the system is not working.

The FBI has stated that 1,700 prohibited purchasers have received firearms because the Federal system does not have all the records it needs.

The New York Times reports that Colorado has stopped using the Federal system because it is incomplete. States are not carrying out their responsibilities under this Act. The amendment would fix these problems. Quite simply, it would require States to certify quarterly that 95 percent of all available records are in the national criminal database. By demanding accountability from the States, the Congress will ensure that FBI background checks will be complete, accurate and thorough. If that can be accomplished, fewer criminals will slip through the cracks and the National Instant System of instant checks will work.

I would like to think of my amendment as putting "instant" back into instant check. The more records, better records and citizens will not face unnecessary delays. This is how the Congress intended it to work.

Mr. Chairman, I yield to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I would simply say that I very much agree with the intent of the gentleman's amendment and I hope that it can be accomplished.

Mr. DINGELL. I thank my good friend for his comments.

Mr. Chairman, I am happy to yield to the distinguished friend from New York.

Mrs. McCARTHY of New York. Mr. Chairman, I rise to stand with the gentleman from Michigan to express my support for improving the National Instant Check System.

Just this week the State of Colorado announced its intention to return to a State-based instant check system because of a deadly mistake that occurred under the Federal instant check system. In June, Simon Gonzalez, who should have been prevented from buying a firearm, was able to buy a gun. After buying the gun, he used it to kill his three sleeping children. It is clear that we need a better instant check system.

Do not get me wrong. The National Instant Check System has been an important tool in keeping guns out of the hands of felons. Since November last year, when the system was started, prohibited persons have been stopped from purchasing firearms. But we can do better.

I look forward to working with the gentleman from Michigan to ensure that our instant check system is improved. In particular, we will be watching to ensure that States and the FBI increase their cooperation and bring the National Instant Check System up to speed.

Mr. DINGELL. I thank the gentleman for his comments.

Mr. Chairman, I yield to my good friend from Kentucky, the distinguished chairman of the subcommittee, for any comments he wants to make. I think desperately we need to make this system work and I would ask his comments.

Mr. ROGERS. Mr. Chairman, I would hesitate that the gentleman would be withdrawing the amendment.

Mr. DINGELL. I do intend to withdraw the amendment, but I would like to hear the thoughts of the gentleman first.

Mr. ROGERS. I commend the gentleman for taking this active interest in this matter. I work with the gentleman to ensure that the system works as Congress intended.
Mr. DINGELL. Mr. Chairman, I ask unanimous consent to withdraw the amendment and hope that we can do something to make this system work, to make the States participate, and to see to it that the Federal Government does what it is supposed to do to make the system work to catch criminals and to abate the pressure on honest, law-abiding citizens. 

The CHAIRMAN. Without objection, the amendment is withdrawn. There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KUCINICH:

At the end of the bill, insert after the last sentence (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the filing of a complaint, or any motion seeking declaratory or injunctive relief pursuant thereto, in any court brought under section 101(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3312(b)(2)) or section 102(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3512(b)(2)).

The CHAIRMAN. Under the previous order of the House, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes. The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

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

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

Mr. TIERNEY. Mr. Chairman, I rise in support of the Kucinich/Ros-Lehtinen amendment.

We have a strong and proud tradition in this country of respecting local decisionmaking, particularly when it furthers broad public interests. And those public interests include clean air and water, consumer protections and workers' rights.

A good number of us in this chamber have expressed our concerns about NAFTA because of provisions in that treaty that pose a threat to our national interests in safeguarding our environment and upholding workers' rights. In one instance, a Canadian chemical firm is challenging a California law crafted to protect that state's drinking water. If the company prevails, an important environmental protection would be overturned and U.S. taxpayers would have to foot the bill for any damages awarded.

A similar scenario could also unfold through the World Trade Organization, where a foreign corporation or government can take issue with a local or state law in the United States. A favorable ruling from the WTO would compel the U.S. government to use its resources to overturn a state or local statute. The Kucinich/Ros-Lehtinen amendment would stop the federal government from taking such action, and protect the rights of state and local governments.

As the pace of economic globalization quickens, we should be very wary of sacrificing state and local laws at the altar of ill-defined international investor rights. Free trade should mean fair trade, and fair trade should not trammel the power of state and local governments to act in the public interest.

I urge adoption of the Kucinich/Ros-Lehtinen amendment.

Mr. KUCINICHER. Mr. Chairman, I ask unanimous consent to divide the time, 2½ minutes for myself and 2½ minutes that would be managed by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

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

There was no objection.

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

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

Mr. SHOWS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by Representatives KUCINICHER and ROS-LEHTINEN, which protects American laws from being overruled by the NAFTA tribunal.

Here's the story:

A Canadian funeral conglomerate, the Loewen Group, was the defendant in a Mississippi lawsuit alleging fraudulent and malicious practices to ruin a local small funeral home operator. The jury found Loewen liable for huge damages.

Now, Loewen is claiming that the Mississippi Court ruling violated protections granted by NAFTA, and is seeking hundreds of millions of dollars in compensation. If the NAFTA tribunal finds in favor of Loewen, then the Justice Department would be obliged to sue the State of Mississippi.

This is nuts!

The Kucinich/Ros-Lehtinen amendment will deny taxpayer funds to the Justice Department for that legal challenge, thereby protecting Mississippi's laws.

We must stand together to protect the sovereignty of American laws. We should not allow American taxpayer dollars pay American lawyers to help a foreign corporation fight American state laws in court.

Support this important amendment!

Mr. KUCINICH. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding time and I support his amendment.

Earlier in the year, California issued a ban on the gasoline additive MTBE which is known to cause cancer. A Canadian company that makes the additive is now attempting to use NAFTA in order to claim $1 billion in losses, saying their right to make a profit has been diminished, which may force California to consider rolling back the ban.

This amendment addresses the question that this issue addresses, as it is very clear: Should the rights of an investor come before the rights to enact a chemical ban to prevent cancer? What is happening in these trade laws is that they are rolling back State and local laws all across the country, designed to help the environment, designed to promote human rights, designed to move this country forward on issues that consumers care deeply about.

This is a good amendment. I urge my colleagues to support the Kucinich amendment.

The CHAIRMAN. Who seeks time in opposition to the amendment?

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment and seek the time in opposition.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I do rise in opposition to the Kucinich amendment. The U.S. Trade Representative, Ambassador Barshefsky, recently wrote a letter expressing her very strong opposition to this amendment. In that letter she said, and I quote, “This is unnecessary and ill-advised.”

Mr. Chairman, I could not agree more with what Ambassador Barshefsky said. This amendment is unnecessary. Never in the history of either the GATT, its 50 years, or NAFTA, its 5 years, has the Federal Government brought suit against a State, municipal or local government to enforce a NAFTA or GATT panel decision. Never.

Opponents will say, well, if it is unnecessary, why not just go ahead and vote for it? Because, to use the other half of Ambassador Barshefsky’s phrase, it is ill-advised. This amendment revisits a question that was resolved by the American people over 200 years ago, the relationship between the regulation of international commerce and the rights of States and local governments to enact their own laws, and we did decide that. In 1789, our Founding Fathers put this argument to rest. We had the flashest of Articles of Confederation where each State could impose its own tariff and tax structure and that was put aside and replaced with, as we know, “a more perfect union.”

Article 1, section 8 of the Constitution says, “The Congress shall have the power to regulate commerce with foreign nations and among the several States.” Article 6 of the Constitution says the laws and the treaties of the U.S. are the “supreme law of the land.” The fact is international agreements are entered into on behalf of the American people, all the American people, not just a single town or State, and they are for the benefit of all Americans, and necessarily they sometimes do preempt State, local and municipal laws.

Our Founding Fathers made that decision a long time ago. We ought not to pass this. I urge my colleagues to defeat this.
Ms. ROS-LEHTINEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, in support of the Kucinich/Ros-Lehtinen amendment.

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

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in support of the Kucinich/Ros-Lehtinen amendment.

The States have police power rights under the Constitution that the executive branch of our Nation ought to respect.

If the States are taking action contrary to a U.S. treaty obligation, it is the Congress that should resolve the problem. On the other hand, the parties that are being hurt can sue and get relief. This is not a place for unelected Federal bureaucrats to involve themselves by attacking these laws in the courts.

The Simon Wiesenthal Center backs this amendment. That is because some States have, quite rightly, pressured foreign companies who have unreturned Holocaust-era assets to make restitution to the victims a condition of the granting of the right to do business. These policies may be subject to attack by the executive branch unless this amendment passes.

Accordingly, I fully support the amendment.

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of the Kucinich/Ros-Lehtinen amendment so that NAFTA will not force California to live with MTBE gasoline additives.

I rise in support of the Kucinich/Ros-Lehtinen amendment because I believe that state and local governments should be able to act to protect the public interest without being unnecessarily restrained by trade agreements. Increasingly we have seen that international trade agreements like NAFTA and the World Trade Organization, instead of promoting high international standards, can undermine the most basic protections for workers and the environment.

Federal laws to protect clean air and endangered turtles have been weakened to comply with WTO rulings, and numerous state and local laws are currently threatened. In California alone, 95 laws have been identified as potentially "WTO illegal" by the Georgetown University Law Center.

Just last month, a Canadian company initiated a NAFTA suit against the state of California's phase out of MTBE, a gasoline additive that has polluted water supplies nationwide. If the Canadian company succeeds, the federal government would likely be required to change its law. This amendment would deny funding for that type of lawsuit and thereby protect state and local laws.

I think that California, like other states, has a legitimate right to protect the health of its citizens and should not be subject to a lawsuit for this action.

Unfortunately, this lawsuit against California's action is just the tip of the iceberg. The laws of many other states and local governments would be threatened by foreign trade agreements. Potentially trade-illegal are laws to promote recycled materials, encourage the purchase of local or American goods, and protect human rights.

I urge my colleagues to support the Kucinich/Ros-Lehtinen amendment to ensure that all levels of government are able to act in the public interest without the threat of trade lawsuits.

Mr. KUCINICH. Mr. Chairman, I yield myself 1 minute.

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

Mr. KUCINICH. Mr. Chairman, the Kucinich/Ros-Lehtinen amendment protects State and local laws and sovereignty.

The past year has proven that State and local laws are under assault by means of NAFTA and the World Trade Organization. In the past year, foreign corporations have challenged laws in Mississippi and California, claiming that the States violated NAFTA's chapter 11 foreign investor rights.

In Mississippi, a Canadian-based funeral conglomerate is seeking hundreds of millions of U.S. taxpayer dollars in compensation. In California, a Canadian chemical company is challenging a State ban prohibiting the use of a harmful gasoline additive on the grounds that the Canadian company will lose future profits as a result of the ban. The State of New Jersey has enacted "buy local" materials requirements for the construction of public works projects that the European Union says is WTO illegal.

California, Connecticut, Illinois, Indiana, Iowa, Massachusetts, New Hampshire, New York, Ohio and West Virginia have adopted tax regulations so that foreign-owned corporations would pay their fair share of taxes. The European Union says this is WTO illegal.

Is Congress prepared to allow the States to be the subject of an assault by foreign corporations and nations? This Amendment says "no."

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade of the Committee on Ways and Means.

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

Mr. CRANE. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH). As chairman of the Committee on Ways and Means Subcommittee on Trade, I oppose this amendment because of the damaging effect it would have on U.S. economic growth.
firms and workers whose success in export markets depends on a system of fair and transparent international trade rules.

The WTO has no power to compel a change in United States Federal law or regulation. Any decision to comply with a WTO panel report is solely an internal decision of the United States. As a practical matter, this means Congress and the administration can choose to act, but only in close consultation with the State. Unless trade sanctions are well-conceived and imposed in a uniform manner, consistent with our international trade obligations, the result will be a hodgepodge of trade sanctions that tells our trading partners that the United States, as it does not intend to respect the international trade agreements it signs.

I urge a “no” vote on the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio, Mr. KUCINICH.

This amendment would prohibit the use of funds appropriated by this bill to challenge a United States law or regulation. Any decision to comply with a WTO panel report is solely an internal decision of the United States. As a practical matter, this means Congress and the Administration can choose to act, but only in close consultation with the States, as required under legislation Congress passed enacting the Uruguay Round Trade Agreements and NAFTA. My colleagues should recall that Congress gave careful and deliberate consideration to the interests of the States when it implemented these trade agreements. The fact of the matter is that during the 50 years of operation of the GATT/WTO trading system, the federal government has never brought suit against a state or locality, or even threatened a suit, to enforce a panel report.

As the world’s largest exporter and the greatest beneficiary of a fair and transparent set of trade rules, the United States cannot afford to allow a conflicting web of international trade rules at the local level. Unless trade sanctions are well-conceived and imposed in a uniform manner, consistent with our international trade obligations, the result will be a hodgepodge of trade sanctions that tells our trading partners that the United States does not intend to respect the international trade agreements it signs.

I urge a “no” vote on the amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this amendment seeks to prevent the use of funds in this bill to support a WTO panel report. As a practical matter, this means Congress and the Administration can choose to act, but only in close consultation with the States, as is required under legislation Congress passed enacting the Uruguay Round Trade Agreements and NAFTA.

Mr. Chairman, I rise in opposition to the Kucinich amendment. She points out that the Kucinich amendment is founded on a faulty premise. This faulty premise is that dispute settlement panels convened under the WTO have the authority to compel the Federal Government to sue State and local governments into compliance with the WTO. This is simply incorrect.

The WTO has no power to compel a change in United States federal law or regulation or a state law or regulation. Any decision to comply with a WTO panel report is solely an internal decision of the United States. As a practical matter, this means Congress and the Administration can choose to act, but only in close consultation with the States, as is required under legislation Congress passed enacting the Uruguay Round Trade Agreements and NAFTA.

As the world’s largest exporter and the greatest beneficiary of a fair and transparent set of trade rules, the United States cannot afford to allow a conflicting web of international trade rules at the local level. Unless trade sanctions are well-conceived and imposed in a uniform manner, consistent with our international trade obligations, the result will be a hodgepodge of trade sanctions that tells our trading partners that the United States does not intend to respect the international trade agreements it signs.

I urge a “no” vote on the amendment.
of protectionism and breaking down the kind of standards that we have fought so hard to protect under the World Trade Organization and under the GATT.

We're having enough trouble getting other countries to keep their markets open. Think about their response if we were to enact this amendment.

Those other countries whose products are being discriminated against will retaliate against the United States, and they would have every right to do it under the trade agreements we have signed. They would not have the right to do it so long as the U.S. follows the rules. But if we allow our cities and states and counties to break the trade rules we've agreed to, then we give them free license to discriminate against American products and hurt American workers.

I realize there are many in this body who do not like the NAFTA agreement who would like to take some feel-good unilateral actions without suffering any consequences.

I would say to those people—if you don't like NAFTA, let's talk about NAFTA. If you don't like it, perhaps you should have raised a Democratic Congress and signed by a Democratic President, then let's talk about it. One-third of the growth of this wonderful economic situation we find ourselves in today is due to exports. If you want to pretend that American workers don't benefit from trade, we can (and will) debate that.

But it's wrong to go around and suggest that—instead of having a national trade policy—we are going to let Cleveland or Cincinnati or San Francisco or Des Moines or any other city determine our nation's trade policy. I am as much as any Member of this body, but I don't believe that city councils, county commissions and state legislatures should dictate our trade policy with other countries. And make no mistake about it, that's what this bill would do.

Let's fight for a fair and free trading system. Let's protect and improve the trading system we have. Reject this senseless amendment.

Mr. KOLBE. Mr. Chairman, I yield 45 seconds to the gentleman from Michigan (Mr. KOLLENBERG).

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

Mr. Chairman, I respectfully rise in strong opposition to the Kucinich amendment. This is clearly an anti-trade, anti-export amendment that would have the effect of encouraging a breakdown in our system of international commerce. The Constitution specifically grants Congress, and only Congress, the authority to regulate commerce with foreign nations. The authors of the Constitution intended for this section to protect international commerce from the destructive consequences of varying trade legislation across hundreds of states and local governments. As a result of this foresight, in cases where there are conflicts between an act of Congress that regulates international commerce and a state or local law, the federal law prevails.

In order to maintain our international agreements and congress trade opportunities for American workers and businesses, it is essential to uphold this constitutional authority of the federal government.

This amendment, however, proposes to take our country in another direction. This amendment would prohibit the President from conducting foreign policy away from Congress and the President and place it in the hands of hundreds of state and local governments. Obviously, this would remove the stability of U.S. foreign relations and damage the credibility of the United States in negotiating international treaties. In addition, the stability and predictability of international business relations in the United States would be threatened, angering our allies and forcing them to consider retaliatory actions.

Numerous Congresses and presidents have worked extremely hard to establish trade agreements that open markets around the world and keep them open through effective dispute settlement procedures. These procedures have benefited American workers and companies across many sectors and were put in place at U.S. insistence with our sovereignty concerns fully in mind. This amendment would undermine this system and risk breakowns in international agreements we have made with our allies.

One-third of this country's economic growth is tied to our dynamic export sector and American companies and workers depend on open markets throughout the world. We have made great progress by encouraging the exchange of American values, goods, and services with our trading partners. Now is the time to reverse this trend by building protection walls around the U.S.

I urge my colleagues to support free trade and U.S. engagement throughout the world and oppose this protectionist amendment.

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

Mr. KOLBE. Mr. Chairman, I yield 45 seconds to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in strong objection to the amendment. I regret having to do that, but we tried the other approach; it was called the Articles of Confederation. We gave it up in 1789. My colleagues have heard reference to that. This amendment would jeopardize U.S. trade and international relations around the globe. No longer would our trading partners have confidence that the agreements they entered into with the United States are safe from being arbitrarily changed or even nullified by any one of our 50 States.

But the ability to negotiate as one voice, the United States would lose the leverage it needs in both bilateral negotiations and multilateral rules-based organizations like the WTO to break down foreign barriers to American exports. The resulting impact on American exports and American jobs on these exports would really be severely harmed.

This is a very serious amendment; it is very seriously wrong. I urge my colleagues to reject it.

Mr. Chairman, as the Vice-Chairman of the Committee on International Relations, this Member rises in strong opposition to the Kucinich-Ros-Lehtinen amendment which would prohibit the Federal Government from challenging State and local laws that conflict with valid obligations the United States has made under international agreements including the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA). This amendment strikes at the very ability of the United States Government to negotiate and implement international agreements by allowing individual States to enact their own discriminatory trade and foreign policy laws.

It appears to this Member that the underlying motivation for this amendment is that its principal proponents do not like the WTO and NAFTA and are seeking a back-door way to repeal these beneficial trade agreements behind the guise of protecting State and local laws. This amendment is nothing more than another attempt at protectionism and it comes with serious and potential international and international relations ramifications.

Article I, Section 8 of the United States Constitution grants Congress, not the individual States, the authority to "regulate commerce with foreign nations." Recognizing the inherent weaknesses of the Articles of Confederation in this regard, the drafters of the Constitution understood the need for uniformity among the States in the conduct of international trade. We tried this approach and abandoned it in 1789. In cases where there is a conflict between an act of Congress and state or local law, Federal law supersedes. The Kucinich amendment would undermine the Federal Government's ability to challenge State and local laws in court when they conflict with Federal commitments and, therefore, upsets this important constitutional balance.

It appears to this Member that the underlying motivation for this amendment is that its principal proponents do not like the WTO and NAFTA. American sovereignty is in no way diminished by any one of our 50 States.

As fully debated in the House during the consideration of both the WTO and NAFTA, American sovereignty is in no way diminished by these trade agreements. The implementing statutes of both agreements specify that parallel reports under the World Trade Organization dispute settlement mechanism or under NAFTA are not binding as a matter of U.S. law. Federal law remains supreme and neither
the WTO nor the NAFTA dispute settlement panels have any power to compel any change in U.S. law or regulation. The U.S. Government decides how it will respond, if it responds at all, to WTO and NAFTA panel reports. Indeed, no foreign entity can nullify State/local law or policy.

Furthermore, in consideration of both the WTO and NAFTA, the Congress established elaborate consultation procedures to protect the interests of the States and to ensure that the States do have a formal role in any international trade settlement proceeding that affects State laws or policies. Therefore, the Kucinich-Ros-Lehtinen amendment is unnecessary.

The pending amendment could also harm American exports and the jobs these exports support in other ways. For example, with this amendment, Ohio could put in place a self-serving policy that discriminates against Japanese exports in violation of U.S.-Japan trade agreements or the WTO agreement. In response, Japan would likely retaliate against American—not Ohio—exports. Japan, for example, could target American agricultural products, hurting farmers and agribusiness everywhere from Maine to California. Indeed, the self-serving actions of just one State to make some symbolic political statement or protect a handful of jobs might jeopardize billions of dollars in key American exports that support tens of thousands of American jobs across the United States.

Mr. Chairman, this amendment radically changes American trade laws. Given the adverse and serious constitutional and international relations implications of this amendment, this Member strongly urges its rejection.

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

The CHAIRMAN. The gentleman from Ohio is recognized for 30 seconds.

Mr. KUCINICH. Mr. Chairman, neither NAFTA nor the Uruguay round of GATT is a treaty. Neither received a two-thirds vote of the other body as the Constitution requires for treaties. Congress can support my amendment, and the U.S. will still be in full compliance with all treaties. We must protect the United States from challenges from foreign corporations and countries. Let us stand by our States and stand by our local communities. Vote for the Kucinich-Ros-Lehtinen amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentlewoman from Florida is recognized for 30 seconds.

Ms. ROS-LEHTINEN. This amendment is not anti-trade. It allows for the negotiation and implementation of trade agreements, and it even allows for constitutional challenges, but it brings that decision within our congressional jurisdiction. We are proud of the support we have received from many different groups. Public Citizen supports the amendment, Citizen Trade Campaign, United States Business and Industry Council, and the Simon Wiesenthal Center which says that this amendment will have the effect of forcing foreign companies seeking to do business in the United States to comply with the historic responsibility to the victims of the holocaust.

I urge my colleagues to do the right thing and support our amendment.

Mr. KOLBE. Mr. Chairman to close our debate, I yield the balance of my time to the very distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules and champion of free trade under NAFTA.

The CHAIRMAN. The gentleman from California is recognized for 1½ minutes.

Mr. DREIER. Mr. Chairman, at the dawn of the second millennium it was clear that under the system of feudalism that existed in Europe virtually every single township, community, hamlet was able to embark upon negotiations for trade outside of its area. The tragic thing is that the vision my friend from Ohio (Mr. KUCINICH) has as we are poised for the third millennium is to continue that kind of preposterior policy. This is anti-trade, anti-export at a time when our economy is thriving because of the fact that we are gaining opportunities in new markets around the world, and the world has access to us. Let us not turn backwards. Vote no on the Kucinich amendment.

Mr. WAXMAN. Mr. Chairman, I rise in strong support of Congressman KUCINICH's amendment to the Commerce-Justice-State Appropriations Bill, which would require the Federal Communications Commission (FCC) to fix the inefficiencies in the way area codes are distributed and allow states to implement their own number conservation plans if the FCC does not act in a timely manner.

The current system for managing numbers is wasteful and illogical, and it has caused a completely unnecessary proliferation of new area codes in California. From 1947 to 1992, California increased the number of area codes to thirteen. It opened a fourteenth area code in 1997 and will almost double that number to twenty-six by the end of this year. If the system is to remain functional, area codes will not be in existence in the State by 2002. The federal government must exercise leadership and relieve this tremendous burden on consumers.

On May 27, 1999, the FCC adopted a notice of proposed rulemaking to consider ways to improve the efficiency of telephone numbers. Congressional KUCINICH's amendment would simply ensure that the FCC make this rulemaking a priority so that meaningful reforms can be adopted as quickly as possible.

I urge my colleagues to vote for this important consumer-intergovernmental amendment.

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of this amendment.

International trade pacts like NAFTA must not be used as an excuse to put profits over public health and the environment. But that's what NAFTA's Chapter 11 does. It gives corporations the right to challenge our public health laws, environmental laws, even civil jury verdicts as "barriers to trade."

Just ask the residents of California, who don't want the gasoline additive MTBE in their wells, groundwater, and lakes. MTBE smells and tastes like turpentine and may cause cancer, yet the Canadian corporation Methenex is suing U.S. taxpayers for nearly a billion dollars because under NAFTA California's ban of MTBE is classified as a barrier to trade.

Mr. Speaker, we were elected to protect the health and well-being of our constituents, not corporations. We need to give our communities the right to enact legislation that protects their well-being, not Wall Street's profits, I urge my colleagues to support the amendment.

Mr. LEVIN. Mr. Chairman, I rise in reluctant opposition to this amendment.

Reluctant because I believe the underlying aim of its sponsors is to get rid of it.

States and local communities have played an active role in efforts to express and implement their citizens' conscience on a number of vital social, moral and economic issues.

I have been working actively for us to broaden our perspective on trade. As the nature of trade has changed, so has our need to broaden our view beyond the conventional, too-narrow focus.

Trade is about more than just opening foreign countries to our goods and services. It is also about the ways in which countries regulate their local markets as well as their capital markets, and the discussion of trade policy must take that into account. That debate also must include issues of human and environmental resources, as well as intellectual property rights.

The trouble with the approach in this amendment is that it overreaches, as previous trade policy has underreached.

The struggle to develop a new consensus on trade policy revolves around hammering out national trade policy that works.

This does not mean there is no role for the States and local institutions. It does mean that it won't work if we end up with 50 or 150 different international trade policies.

In the 50 year history of the GATT, including the more recent era of the WTO, the U.S. Government has never challenged or threatened to challenge a State or local law as violative of world trade agreements.

In fact, on the rare occasions when this issue has arisen in the past, the administration has worked with State, local and foreign governments to reach out-of-court solutions.

Indeed, in enacting the laws that implement the Uruguay Round agreements, we were very careful to establish mechanisms that would ensure a cooperative relationship between the Federal administration and State and local governments on international trade matters.

For example, measures in the Uruguay Round agreements act include:

A requirement that the U.S. Trade Representative establish a Federal State consultation process, including procedures for taking into account information and advice from States in formulating positions on matters that directly affect them;

A requirement that USTR notify a State and consult with its legal officials when a foreign government complains about a law of the State;

When a WTO dispute settlement panel holds a State law to be violative of WTO agreements, the USTR must “consult with the State concerned in an effort to develop a mutually agreeable response... and shall make every effort to ensure that the State concerned is involved in the development of the United States position regarding the response.”

In short, existing law is designed to bring State and local governments into the process
of formulating trade policies that directly affect them, while preserving the Federal Government as the central decisionmaking hub. This division of labor facilitates our ability to deal with our foreign trading partners and encourages that trade policy makers take into consideration all Americans. I understand the desire to send a message on the shortcomings of American trade policy. We also need to consider the form of our message since we are legislators and the consequences of a particular proposal if it were to become law must be taken into account.

The language of this amendment says, in sum, that never, under any circumstances, could funds under the act be used by the Government to participate in any legal action, brought by itself or by any other party, where it was argued that a State or local action contravened obligations of the national Government under specified comprehensive international agreements.

This kind of an absolute handcuff on Federal power has been urged in earlier decades on other vital matters. As we fight for a stronger, broader, more relevant American national trade policy, we need to remember the role of State and local initiatives. But we cannot retrogress to an article of confederation in the vital field of national and international economic trade issues.

Accordingly, I will vote “no” on this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly oppose the amendment offered by Mr. KUCINICH of Ohio, which states that none of the funds made available in this Act may be used by the Overseas Private Investment Corporation to provide any administrative or other support or assistance for any environmentally sensitive investment Fund Project. This amendment is bad for the American people who will lose the benefits of new exports, jobs and expanding global markets. It is bad for developing countries in need of investment. And finally, environmental concerns are protected by the requirement that OPIC complete assessments and reports in accordance with stringent standards.

Private Sector investment overseas contributes substantially to both the national and foreign policy interests of U.S. citizens. It strengthens and expands the U.S. economy by improving U.S. competitiveness in the international marketplace. It also helps less developed nations expand their economies and become valuable markets for U.S. goods and services, thereby increasing U.S. exports and creating U.S. jobs.

OPIC has a broad base of clients from virtually every state and industrial sector. In Texas, OPIC has a total of $5 billion in OPIC financing and insurance commitments for projects sponsored by Texas companies, $5 billion in U.S. exports generated by Texas Projects and 18,757 American jobs created by Texas projects. In the last five years, OPIC committed projects identified $1 billion in goods and services that they will buy from Texas suppliers, 60% of which are small Texas businesses. These exports will create 4,515 local jobs in Texas.

This amendment is bad for developing countries. Private Investment Corporation is an independent U.S. government agency that sells investment services to assist U.S. companies investing in some 140 emerging economies around the world. Emerging economies need assistance in strengthening and in many cases building proper infrastructure for successful trade. These projects may involve waterways, land, trees, mountains and the atmosphere. Development of roads, railways, power sources, telecommunications and other necessary projects are environmentally sensitive. We can not stop our efforts to assist developing economies as they become competitive and enter the global marketplace. We must support these developing economies.

The House of Representatives recently passed the Global Access and Opportunity Act supporting an expanded global marketplace. We agreed that sub-Saharan Africa with its emerging economies offer a potential 700 million new consumers for our goods and products. The inclusion of developing countries into the broader market has been proven as an effective development tool. Viable infrastructures are mandatory. OPIC funding should not be hampered.

This amendment is bad for the environment. OPIC’s fund investments must meet stringent environmental standards which are higher than any other bilateral export credit, investment or insurance agency in the world. Environmentally sensitive fund investments undergo a complete environmental impact assessment. Environmental sensitive fund projects meet OPIC obligations to mitigate potential environmental harm.

I do not support any action that will reverse U.S. commitment to the expansion of the global marketplace and the continuation of our economic prosperity. I urge my colleagues to oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH). The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House resolution 273, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at the end of the bill, the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 803. SHORT TITLE.

This title may be cited as the “Hate Crimes Prevention Act of 1999”.

SEC. 802. FINDINGS.

Congress finds that—

(1) the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

(2) such violence disrupts the tranquility and safety of communities and is deeply divisive;

(3) existing Federal law is inadequate to address this problem;

(4) such violence affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to leave States across the country; (B) by preventing members of targeted groups from purchasing goods and services, thereby driving businesses out of participating in other commercial activity;

(5) perpetrators cross State lines to commit such violence;

(6) instrumentalities of interstate commerce are used to facilitate the commission of such violence;

(7) such violence is committed using articles that have traveled in interstate commerce;

(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias, Federal jurisdiction over certain violent crimes motivated by bias is necessary to supplement State and local authorities to work together as partners in the investigation and prosecution of such crimes; and

(10) the problem of hate crime is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 803. DEFINITION OF HATE CRIME.

As used in this title, the term “hate crime” has the same meaning as in section 28003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 804. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.

Section 245 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of a firearm, an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(1) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

“(2) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both if—

“(i) death results from the acts committed in violation of this paragraph; or

“(ii) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2)(A) Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of a firearm, an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(i) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if—
 SEC. 805. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements for juvenile offenders who engage in activities that (1) in connection with the offense, the defendant or the victim participates in or suffers a loss as a result of an attempt to commit a hate crime, or (2) in connection with the offense, the defendant or the victim participates in or suffers a loss as a result of an attempt to commit a sexual offense.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

1. ensure that there is reasonable consistency with other Federal sentencing guidelines; and
2. avoid duplicative punishments for substantially the same offense.

SEC. 806. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 807. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice to assist State and local law enforcement officers in combating hate crimes.

SEC. 808. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

THE CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?
August 5, 1999

CONGRESSIONAL RECORD – HOUSE

H7375

distinguished chairman, this is not a bill that is going to be rampant across the Nation, ensnaring any criminal that would act upon a violent act. This is specific. It deals with multiple weapons and multiple perpetrators as defined by its expansive narrative form. We will no know what it is a hate crime. We will not have to convince prosecutors whether to proceed under a simple assault or murder as opposed to a hate crimes offense.

This is a crisis in our Nation. We must stand up and be heard that we do not adhere to hate crimes.

Mr. Chairman, I want to take this time to express my gratitude to Chairman HYDE and Ranking Member CONVERS for recently convening an oversight hearing on hate crimes violence in the House Judiciary. I listened with keen interest to the testimony of the panelists who were invited by the majority. They were overwhelmingly opposed to enacting H.R. 1082, the Hate Crimes Prevention Act of 1999. I was moved by the testimony of the victims and their families that I was convinced more now than ever before that Congress must move with all deliberate speed to enact H.R. 1082 this session.

Mr. Chairman, this nation just celebrated Independence Day. We reaffirmed the truths that all men and women have a human dignity, freedom, and inalienable rights. That among these rights, are life, liberty and the pursuit of happiness. And yet there are individuals out there who believe that if you are not of their race, nationally, gender, religion or sexual orientation you do not deserve these rights.

Opponents of hate crimes legislation claim that prosecution of hate crimes would be indistinguishable from offenses that are presently on the books on the state and local level. I reject the sophistry and sophistication of the opponents when an individual’s right to believe in whatever his or her mind can so conceive, however morally repugnant. When these beliefs spawn hate-related violence, we need to have a mechanism to bring perpetrators like Benjamin Smith and Williams brothers to justice.

Currently, only 22 States and the District of Columbia have adopted hate crimes laws that extend protection to individuals targeted based on their sexual orientation. Only 22 States cover gender, and 21 cover disability. These critical gaps in State laws underscore the need for stronger hate crimes protection on the national level.

Out of the 8,049 hate crimes reported in the most recent FBI statistics, 58.5% were racially based; 17.2% were religious based; 10.4% were based on sexual orientation and 13.7% were based on sexual orientation.

This bill is bipartisan with more than 180 co-sponsors, I am confident that H.R. 1082 will pass on the House floor, if partisan polarization does not kill the bill in committee. We in the House have a moral authority to address crimes that are an affront to human dignity; H.R. 1082 is the appropriate measure to address these particularly heinous crimes.

I ask the Chairman to accept this amendment.

Mr. Chairman, with the point of order now being expressed against this, let me ask that we can work on this together, and with great sadness I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas.

There was no objection.

Mr. ROGERS. Mr. Chairman I move to strike the last word.

Motion agreed to. The gentleman from Illinois (Mr. Blagojevich) to engage in a colloquy.

Mr. BLAGOJEVICH. Mr. Chairman, I have recently introduced legislation with the gentleman from Florida (Mr. Stearns) regarding a national instant background check system. The NIC system has been, as my colleagues know, very successful. Since 1998 over 50,000 prescribed people have been restricted persons, that is, criminals and others restricted from getting guns. We are learning that this is a tool that law enforcement can do better with; and therefore this legislation would require the immediate notification of local law enforcement authorities when an individual fails an NICS background check. Even though criminals and other restricted persons who attempt to purchase firearms are in violation of Federal, State and local laws, rarely are such violations reported in a timely manner to proper law enforcement authorities.

Mr. Chairman, establishing a timely notification system would allow law enforcement to determine when they
believe that there is a threat to public safety in their communities. The Illinois State Police has recently established a voluntary program modeled on my legislation to notify local law enforcement of such checks. I hope to work with both the Illinois State Police and the Justice Department to implement this system at a national level.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman bringing his proposal to our attention. We have not really had a full amount of time to study the proposal, but I would be happy to work with him to enhance our enforcement efforts.

Mr. BLAGOJEVICH. Mr. Chairman, if the gentleman would continue to yield, I would again like to thank him and the ranking member for their support and willingness to work with me on this very important matter. As my colleagues know, this is a concept that has the support of both Handgun Control and the NRA, and when we think of Charlton Heston, I have heard him several times talk about the necessity to enforce existing laws so that criminals do not get guns. It is as if he were playing Moses again, and he came down from the mountain top, and this was his edict.

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CONGRESSIONAL RECORD — HOUSE

August 9, 1999

MESSRS. PITTS, GILCHREST, TIAHRT, and BEREUTER, MS. DEGETTE, and Messrs. MCHUGH, HOLDEN, and ROHRBACHER, MS. SLAUGHTER, MS. NAPOLITANO, and MR. WHITFIELD changed their vote from "aye" to "no."

The CHAIRMAN. Pursuant to House Resolution 273, the Chair announces that he will reduce to 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 13 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 13 offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote. The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered. The Chair will now take the electronic vote, and there were—ayes 211, noes 215, not voting 7, as follows:

[Roll No. 362]
Mr. ROTHMAN and Mr. DOOLEY of California changed their vote from "nay" to "yea.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HAYWORTH

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were ayes 217, noes 209, not voting 70, as follows:

[Roll No. 384]

AYES—217

...
Ms. PELOSI changed her vote from "no" to "aye." So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated for:
Mr. LEVIN. Mr. Chairman, I was absent on rollcall vote 384. Had I been present, I would have voted "aye."

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 226, not voting 11, as follows:

AYES—196

NOES—226

Ms. PELOSI changed her vote from "no" to "aye."
So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for:
Mr. STEARNS. Mr. Chairman, on rollocall No. 385, I was inadvertently detained. Had I been present, I would have voted “yes.”

Stated against:
Mr. EWING. Mr. Chairman, on rollocall No. 385, I was inadvertently detained. Had I been present, I would have voted “no.”

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 2670, the Commerce, Justice, State and Judiciary Appropriations Bill for Fiscal Year 2000.

This is my first year on the Appropriations Committee as well as on the Commerce-Jus-
tice Subcommittee, and I have very much en-
joyed my tenure so far. Chairman HAI R ROG-
ERS, who has served on the subcommittee for
many years and who demonstrated his experi-
ence through weeks of budget oversight hear-
ings, graciously welcomed my participation and
made me and other new members of the subcommittee feel at home. The new mem-
bers also include JOSÉ SERRANO, who has been an pleasure to work with and has dem-
onstrated outstanding ability as ranking mem-
ber.

The wide range of agencies and activities funded represent a real challenge. The FBI, the Drug Enforcement Administration (DEA), the Bureau of Prisons in the Depart-
ment of Justice and the trade, science, and
economic development activities of the Depart-
ment of Commerce as well as the oper-
ations of the State Department, create signifi-
cant budget issues as we wrestle with the fairest way in which to distribute our limited budget allocation. In addition to the entire judi-
cial branch of government, the bill also funds important independent agencies such as the Federal Communications Commission (FCC), the Securities and Exchange Commission (SEC), and the Small Business Administration (SBA). To say this is a complex bill to put to-
gether and to fund adequately is an under-
statement.

I would like to thank Chairman R Ogers for in-
cluding a number of projects and issues that are important to me, my congressional district and California.

Funding is included for two important crime prevention activities which affect my district di-
rectly. The Los Angeles Dads Young Men and Fathers Program is a collaborative effort be-
tween the juvenile court and community schools and the Los Angeles County Probation
Department working together with law en-
forcement, business and community partners.

This program reaches out to males, ages 14 to 18, who are under the authority of the Juve-
nile Court and are either fathers themselves or father figures. The goal is to help young fa-
thers take responsibility for the health and well-being of their families and themselves.

Funding is also provided for a community vi-
olence initiative in Los Angeles that will ex-
pand the successful LAPD domestic abuse re-
sponse team that both deals with women and children at the scene and allocates special inves-
tigative and prosecution services to act
quickly against crimes of domestic violence.

It was also pleased that the full committee adopted a report language about sexual mis-
conduct by staff of the Bureau of Prisons (BOP). The Bureau of Prisons generally has a
record of dealing with sexual misconduct
by staff and sexual harassment of female in-
mates. However, a recent General Accounting
Office report revealed that there were some de-
ciciencies in the records maintained by BOP
about sexual abuse that prevented them from
recognizing trends and responding to problem
areas. The language directs BOP to comply
with the recommendations, and I’m pleased
that BOP already is moving ahead to do so.

Several items are of enormous importance to
California.

The State Criminal Alien Assistance Pro-
gram (SCAAP) is funded at last year’s funding
level, $585 million. However, I will be working
with other members of a united California del-
egation to see if we can’t increase this funding level to $650 million this year. California will spend over $570 million this year for housing and parole supervision of undocumented aliens. Since California receives only a portion of this SCAFP funding, it is important to raise this funding level as high as possible.

Within Community Oriented Policing Serv-
cices, the methamphetamine program is very
important. The Federal Criminal Justice Depart-
ment statistics indicate that 90% of the “meth”
seized throughout the United States originated in California. These funds will assist the Cali-
nia Bureau of Narcotics in coping with this
newer but alarming drug threat.

As a coastal state, California is very de-
pendent on the important oceanic and atmos-
pheric research underway by NOAA’s National
Ocean Service. Funding for the geodesy pro-
grams will play a key role in the important re-
search underway at the Scripps Institute at the
University of California at San Diego and its
California Spatial Reference Center.

Despite these many worthwhile initiatives, I
will reluctantly have to vote against the bill.

Simply put, this bill’s budget allocation is not
sufficient to fund the many other deserving
programs and activities carried out by the De-
partments of State, Justice, and Commerce.

Trying to overcome this inadequate funding,
the Republican majority has decided to des-
ignate $4.5 billion for the census to be emer-
gency spending outside the budget caps and
the budget agreement. However, the total
amount is still nearly $3 billion less than the
President’s budget request. As a result, many
programs or agencies are cut severely, and
other important agencies are set at the level of
last year’s appropriations bill, meaning they
must absorb both cost-of-living adjustments for
personnel and other uncontrollable cost increases.

In addition, the bill provides no funding for
the President’s 21st Century policing initiative
modeled after the Community Oriented Polici-
ing Services (COPS) initiative which has been
so successful in helping our cities and com-
unities reduce crime. The original committee
recommendation cut Legal Services Corpora-
tion severely—from $300 million to $141 mil-
lion—thereby undermining our commitment to
ensuring that all Americans, regardless of in-
come, have access to the judicial system. Re-
duced funding affects the FBI, the DEA, anti-
drug program initiatives as well as activities to
protect against chemical and biological weap-
on and other counter-terrorism activities. The
successful Advanced Technology Program (ATP), which was funded at a level of
approximately $200 million for many years, is
eliminated. Inadequate funding is provided for
the President’s Lands Legacy initiative, and
other National Oceanic and Atmospheric Ad-
mnistration (NOAA) funding is significantly re-
duced. The SBA’s salaries and expenses ac-
count is cut so severely that the Office of
Management and Budget (OMB) estimates that
75 percent of the agency’s current staff level—up to 2,400 staff positions—would have to
be eliminated. The new bill eliminates much for
SBA’s promising new markets initiatives which
many of us are counting on to spur economic
development in targeted urban and rural areas.

In short, the funding is inadequate, so our
bill falls short of what the American people re-
quire and should expect from the important
programs and agencies in this bill. I believe
Chairman ROGERS and those who serve on
this subcommittee recognize its shortcomings,
and I believe we will need to make this a far
better bill before it becomes law later this year.

Although I must in all good conscience vote
against the bill today, I will be working with
Chairman ROGERS, Ranking Democrat SERRANO and the rest of our members to fund
this bill adequately and pass it into law so our
people and our communities can continue to
receive the types of assistance provided in
this bill, and we can work together to fight
crime, improve trade, stimulate economic de-
velopment, and carry out the many important
activities represented by the Commerce-Jus-
tice-State bill.

Mrs. MINK of Hawaii. Mr. Speaker, I rise
today in strong opposition to this appropria-
tions bill because it cuts funding for some of
the most important programs that we provide
for this nation.

For instance, this bill seriously cuts funding
for the COPS program by 81%. When Presi-
dent Clinton was first elected in 1992, he
promised to put 100,000 additional cops on
the streets. With the help of Congress, he
managed to do this. However, it is imprudent
to think that the hiring of these cops is
enough. There is still much more we can do
to ensure that our streets are safe.

President Clinton asked for funding to his
21st Century Policing Initiative which would
put 50,000 more officers in our districts. It
would also allow our communities to hire new
prosecutors, and more importantly it would ex-
pand community-based prevention efforts. We
need to continue funding this program ade-
quately to ensure that our streets are safe.

Unfortunately, H.R. 2670 does not do that.

And I am extremely disappointed that this
bill eliminates funding for the East-West and
the North-South Centers.

The East-West Center is an internationally
respected research and educational institution
based in Hawaii with a 39-year record of
achievement. It is an important forum for the
development of policies to promote stability
and economic and social development in the
Asia-Pacific region.

The Asia-Pacific region accounts for more
than half the world’s population, about a third
of the world’s economy, and vast marine and
land resources. The United States has a vital
national interest in connecting itself in partner-
ship with the region. As the Asia-Pacific region
continues to develop and change, it is essen-
tial that the United States be seen as a part
of the region rather than an outsider.

The East-West Center is the only program
that has a strategic mission of developing a
The Small Business Administration is vital to small business across the country. It provides technical services, financial advice, and general support for those businesses. Large corporations have the luxury of in-house counsel to assist in these needs. Small businesses do not. They often turn to the SBA to provide them with the guidance and assistance they need. Unfortunately, without the proper staff, the SBA cannot do as much as many of the large corporations. The SBA's budget is insufficient to assist the majority of the businesses that make requests for help.

This bill also has deep cuts in the National Oceanic and Atmospheric Administration and the National Weather Service that will have a profound impact on Hawaii. The National Weather Service is essential to the safety of every single one of us. I am always amazed when there is an effort to eliminate or cut the funding for this agency.

The National Weather Service provides warnings to thousands of Americans about tornados, hurricanes, flash floods, and countless other weather conditions that are or could be dangerous to communities. Because of these warnings, thousands of lives are saved each year. In my state of Hawaii, it is essential that we are kept up to date about possible hurricanes.

I cannot support a bill that could hurt my state's ability to deal with these natural disasters. This bill has a number of good things in it. It calls for increases in a number of extremely important programs and services. However, I cannot support it. I cannot support this bill, because at the same time it increases funding for essential and vital programs, it slashes or eliminates funding for countless others.

Because of these wise and crippling cuts, I urge my colleagues to oppose H.R. 2670.

Mr. COSTELLO. Mr. Chairman, I want to express my concerns about the funding level included in this bill for NOAA's programs, particularly those of the National Weather Service. The funding levels in this bill fall short of the Administration's request and the Science Committee's recommendations for these programs.

The programs of the National Weather Service are of great importance to the people of my district, as they are to all of our constituents. Over the past few Congresses, we have invested several billion dollars in the weather service modernization program. The Weather Service has not completed the deployment of the Advanced Weather Information Processing System (AWIPS). Now, when we are about to reap the largest benefits of this program, we are unable to provide the additional $18 million to deploy advanced software which will improve severe storm warning lead times, reduce false alarm rates, and improve severe storm warning which can save lives. The importance of this new technology was recently demonstrated during the May tornado outbreak in Oklahoma and Kansas.

The funding levels in this bill represent a penny-wise, pound-foolish approach to government spending.

In order to accommodate the funding needs of the Small Business Administration and the Census Bureau, the Committee designated almost $5 billion dollars as "emergency" spending to take these expenditures off-budget. I don't deny the importance of these programs, but they can hardly be classified as emergencies. We know the Census Bureau has a constitutional responsibility to conduct the census periodically. The Small Business Administration programs are worthy of our support, but if they are funded under emergency provisions, I cannot understand why we wouldn't fully fund the National Weather Service Programs under the same criteria.

The National Weather Service is a critical federal agency that affects every American. The employees in the National Weather Service offices across this country need adequate resources to continue to deliver the fine service to us that we have all become accustomed to. I hope that the Conference with the Senate will produce a bill that contains more than the minimal funding levels for NOAA and for the other essential programs funded under this appropriations bill.

Mr. SMITH of Washington. Mr. Chairman, I rise today in support of funding to help the Northwest Region respond to the listings of 13 salmon and steelhead populations under the Endangered Species Act and to implement the recently signed Pacific Salmon Treaty between the U.S. and Canada.

I understand that the Commerce, Justice, State Subcommittee was unable, under the current allocations, to fund for these administration requests. Unfortunately, this puts our region in a very difficult position for trying to comply with the federal law.

In March, the National Marine Fisheries Service listed the salmon and steelhead populations whose habitat extends the entire west coast. In the Puget Sound region, which I represent, we are working to respond to these listings. The listings threaten to completely halt all routine activities in the area such as development, operations of ports, and basic transportation projects.

Our state has responded positively, with both the state and local government taking a proactive approach to dealing with these problems, but federal funds are critical. Currently, we are working with the National Marine Fisheries Service to develop locally-driven, scientifically credible recovery strategies to restore these populations but we cannot do this alone. I ask that we find the federal funding to help address this situation.

In addition, I am extremely please about the recently announced agreement between the U.S. and Canada on the Pacific Salmon Treaty which sets harvest and conservation measures for the multi-jurisdictional salmon populations. This agreement solves a number of long-standing disputes and is an incredibly important step for saving the salmon in the Northwest region. Now, to ensure that the necessary conservation and restoration goals are met, the White House has asked Congress to create an endowment fund for both the Northern and Southern boundary areas. I strongly support Congress finding the funding to ensure implementation of this historic agreement.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his great appreciation to the Chairman of the Commerce, Justice, State, and Judiciary Subcommittee, the distinguished gentleman from Kentucky (Mr. ROGERS), and the Ranking Member on the Subcommittee, the distinguished gentleman from New York (Mr. SERRANO), and to all members of the Subcommittee for the inclusion of a $500,000 appropriation for planning and site money for a detention center in Grand Island, Nebraska.

This country's interior illegal immigration problems have grossly been ignored, in part
because the Immigration and Naturalization Service (INS) has been unwilling to acknowledge the exponential increase in the interior's illegal alien population. In addition to failing to acknowledge the population increase, the agency has not devoted the necessary funds for the development of the infrastructure to allow its offices to implement one of this country's fundamental immigration laws—that illegal aliens are to be deported from the United States.

Although the proposed project will not be in this Member's district, this Member strongly believes that it will serve an important role in building the aforementioned infrastructure. The detention facility will provide a crucial link between the apprehension and the deportation of illegal aliens in Nebraska and Iowa. It will be beneficial not only in conjunction with work-site enforcement programs such as Operation Vanguard, which the Subcommittee mentions, but also with efforts to deter alien smuggling.

In recent years, Interstate 80, which traverses the states, has become a popular venue for alien smuggling. After apprehending the illegal aliens, the Immigration and Naturalization Service (INS) has few options for detaining the suspects. Detention space in county jails has become severely limited. As a city centrally located along I-80, Grand Island, Nebraska, certainly will serve as well as the primary intake area for the federal detention center.

In closing Mr. Chairman, this Member wishes to express his most sincere appreciation for the assistance that Chairman ROGERS, the Subcommittee, especially the gentleman from Iowa (Mr. LATHAM), and the Subcommittee staff provided thus far on this important project.

The CHAIRMAN. There being no further amendments under a previous order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee of the Whole House on the State of the Union, reported that the Committee had under consideration the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 273, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BONIOR. I am, Mr. Speaker. The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk reads as follows:

Mr. BONIOR moves to recommit the bill H.R. 2670 to the Committee on Appropriations with instructions to report the same back to the House with an amendment that increases the amount provided for community oriented policing services to the amount requested in the President's budget, with corresponding adjustments to keep the bill within the committee's jurisdiction.

POINT OF ORDER

Mr. OBEY. Mr. Speaker, I make a point of order that the House could not hear the motion, and I would ask that the Clerk re-read the motion.

The Speaker pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The Clerk will re-read the motion.

The Speaker pro tempore. The Clerk will re-read the motion to recommit.

Mr. BONIOR. Mr. Speaker, before I begin, let me just take this opportunity to commend the distinguished gentleman from Washington State (Mr. HASTINGS) for the efficient and fair way in which he handled the proceedings over the last 2 days and, I might also add, the way that the chairman of the committee the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) have handled the proceedings. We appreciate their work this evening.

Mr. Speaker, the shootings in Littleton, Atlanta, and just today in Pelham, Alabama, strike fear into our hearts. As parents, we worry about our children. We worry about our safety. We worry about our children's safety in the schools.

Fortunately, Mr. Speaker, the statistics show that crime is declining in America. Thanks to the bravery and the heroism of the hard work of our police, the numbers of burglaries and assaults and vehicle thefts and murders and robberies all dropped again last year.

But we still have a long way to go. We need tougher law enforcement. We need to keep our streets and our schools and our homes safe. We cannot do any of this without more police officers in our communities, Mr. Speaker, walking the beat, patrolling our neighborhoods, backing down on criminals.

The COPS program helps local police departments hire more officers and puts them out on the street. To date this funding has put 80,000 officers into action across this country fighting crime and helping to reduce crime.

In my district alone, 85 extra police officers now walk the beat or patrol the streets. I just this spring, Macomb County, Port Huron, Fort Gratiot, Capac and Clay Townships all got more federal dollars for new officers. And that has happened in every district throughout this country. They help avert problems before they happen and give people a sense of security.

Mr. Speaker, all this is happening in communities, as I say, across the country. So why in the world would this Congress slash funding for more police officers? Why would we cut $1 billion below last year's level? It just does not make any sense.

I am offering this motion to restore full funding for the COPS program for community policing so that we can win the war on crime.

The President has promised to veto this bill if it arrives at his desk without enough money to hire police that this country needs. If we are going to win the fight against crime, we are going to have to restore these monies.

Mr. Speaker, we are going to win this battle. It is going to happen either tonight in this motion or it is going to happen in conference. But we will win this battle.

Let us send back this bill and fund the COPS program and then bring it back to this body. Please vote "yes" on the motion to recommit.

Mr. ROGERS. Mr. Speaker, I rise in opposition to the motion to recommit. Mr. Speaker, this bill provides $288 million, that is the authorized level, for fiscal 2000 for the COPS program. Every penny of the authorized level is in this bill.

About 3 weeks ago there was a big ceremony down at the White House where they celebrated, they say, the addition and the completion of the COPS program, 100,000 cops on the beat. Now they want a new program. We already funded the COPS program as we have known it. Now they want a new program.

In fact, the administration's request is not only not authorized, but the administration has not even bothered to submit authorizing legislation for this new $1.3 billion program.

Instead of the administration's so-called COPS II program, this bill provides big grant programs for our local and State police. It gives our local governments the ability, the flexibility to spend the money on fighting crime, not what some bureaucrat in Washington says we should do in spending the money.

By the way, on school violence, in this bill is the Congressional version of COPS, the local grants that allow our communities to decide how and when to spend the money. It does not require a matching grant, as does the COPS program. We give it all, and we do not limit it to what they can spend it for.

In this bill we provide $1.2 billion, more than the administration requested, for State and local law enforcement; $523 million for local law enforcement block grants, they requested zero; $686 million for truth-in-sentencing block grants, they requested $75 million; $250 million for the
The vote was taken by electronic device, and there were—ayes 208, noes 219, not voting 6, as follows:

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These grants provide the assistance to our State and local law enforcement that they want, not what the bureaucrats in Washington want.

These are the programs, my colleagues, that would be required to be cut from this new, unauthorized COPS program that the administration feels so strongly about that they have not even bothered to send up legislation to authorize it. These are the programs that have helped bring about the crime rate reductions that are making historic notes today.

We can tell our colleagues today that, mainly because of the local block grants that this Congress provided over the last 3 years, the violent crime rate is at its lowest level since it has been recorded. This is at its lowest level since it has been recorded. These are the programs that the administration feels so strongly about that they have

Let me finish by saying this: This motion would kill this bill. It would require the whole bill to go back to subcommittee and full committee for re-hearings and a re-determination of how we would fund the cut required by this amendment.

We would be here tomorrow, we would be here Saturday, we would be here next week, at least, trying to find the money. I urge a ‘no’ vote.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion to recommit offered by the gentleman from Michigan (Mr. BONIOR).

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

RECORD VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

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| Boucher | Forbes |
| Boyd | Ford |
| Baldridge | Frank (MA) |
| Clay | Fossella |
| Berry | Fraser |
| Bishop | Frelinghuysen |
| Blumenauer | Gephardt |
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"Mr. DINGELL changed his vote from "yea" to "nay." Mr. CRANE and Mr. ROHRABACHER changed their vote from "nay" to "yea."

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against: Mr. KLECZKA. Mr. Speaker, on rolloca No. 387, I was unavoidably detained. Had I been present, I would have voted "no."

CONFERENCE REPORT ON H.R. 2587, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. ISTOOK submitted the following conference report and statement on the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

The Committee of Conference on the Disagreement between the Two Houses of the Senate to the Bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor of District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education located in both public and private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: Provided further, That if the authorized program is for a limited number of states, the Mayor may expend up to $11,000,000: Provided further, That if the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: Provided, That such funds may remain available until December 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That if the authorized program is for a limited number of states, the Mayor may expend up to $3,000,000: Provided further, That if the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.
facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105-33: 111 Stat. 712): Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee, shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis and for services to be performed by the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives: Provided further, That the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis and for services to be performed by the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation of appropriate defendants under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21-2606, D.C. Code (relating to representation provided under the District of Columbia Superior Court - Family Division Protective Services Act of 1996, D.C. Law 11-100: 116 D.C. L. 85; Public Law 105-269: 112 Stat. 112): Provided, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 30, 2001, for capital improvements for District of Columbia courthouse facilities: Provided, That the amounts available for operations of the District of Columbia courts, not to exceed $2,500,000 shall be for the design, development and construction, including site work, of the Federal Payment to the District of Columbia Courts: Provided further, That not to exceed $500,000 shall be available to the District of Columbia Superior Court for operating costs of the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, the amounts available under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $2,500,000 for construction, renovation, and information technology infrastructure costs associated with community pediatrie health clinics for high risk children in medically underserved areas of the District of Columbia.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

For payment to the Metropolitan Police Department, $1,000,000, for an open air drug trafficking in the District of Columbia, as authorized by the Federal Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33: 111 Stat. 712): Provided, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1998, for the Metropolitan Police Department: Provided further, That the District of Columbia may use a portion (not to exceed $500,000) of the interest earned on the Federal Payment to the District of Columbia Courts: Provided further, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives: Provided further, That the District of Columbia shall identify the sources of funding for this appropriation to Statehood from its other locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds appropriated in this or any other provision of law now or hereafter enacted, no member of the District of Columbia Council eligible to earn a part-time salary of $92,520, exclusive of the Council Chairman, shall be paid a salary of more than $84,635 during fiscal year 2000.

ECONOMIC DEVELOPMENT AND REGULATION

For economic development and regulation, $206,355,000 (including $52,911,000 from local funds, $84,751,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia shall be deposited in a business improvement districts trust fund and paid to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Code, sec. 1-2271 et seq.), and the Department of Business Improvement Districts, pursuant to the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-23): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts may receive payments from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

For public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for first responders, not to exceed eight for fire-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $778,770,000 (including $565,511,000 from local funds, $28,012,000 from Federal funds, and $184,247,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed five passenger-carrying vehicles used in operations or activities of the Department of Public Safety and Program of the Metropolitan Police Department from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in the purchase or operations of the State of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia government for all amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of
the District of Columbia National Guard: Provided further, that such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department shall be authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates found to be in need of medical and geriatric parole: Provided further, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committee on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: provided further, That up to $700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

PUBLIC EDUCATION SYSTEM
Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,612,000 from other funds), to be allocated as follows: $73,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $101,000 from local funds for the District of Columbia Teachers’ Retirement Fund; $17,000,000 from local funds, previously appropriated in this Act as a reserve for resident teacher support at public and private institutions of higher learning for eligible District residents; $27,885,000 from local funds for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funding for new public charter schools on a per pupil basis: Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School, to support the Office of the Chancellor of the District of Columbia Public Charter School, and to hire and retain additional administrative staff: $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,360,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds, and $245,000 from other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That $2,500 for the Superintendents of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrative officer, or employee who has received enrollment count information under article II, section 5 of the Act entitled “An Act to provide for compulsory school attendance, for the taking of a school enrollment count, and for other purposes,” approved February 4, 1925 (D.C. Code, sec. 31-401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident dependent children lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That the District of Columbia Public Schools shall not spend less than $365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: Provided further, That notwithstanding any other provisions of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the Public Education System a sum totaling 5 percent of the total current enrollment count for Public and Charter schools has been completed, and that this amount shall be apportioned between the public and Charter schools based on their respective student population count: Provided further, That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.

HUMAN SUPPORT SERVICES
Human support services, $1,526,361,000 (including $635,373,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): Provided, That $25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees’ disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(e) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS
Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,905,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): Provided that such funds from other sources, if any, that this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and residences or miscellaneous refuse from hotels and residences or miscellaneous refuse from hotels and residences that result in cost savings or additional revenues, by an amount equal to such funding: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

PRODUCTIVITY BANK
The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling $20,000,000 in local funds and the proceeds of any additional revenues, by an amount equal to such funding: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

PRODUCTIVITY BANK SAVINGS
The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and...
the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds. The reductions are to be allocated to projects. Provided, That the Mayor shall report to the Congress on Appropriations of the House of Representa-
tives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

PROCUREMENT AND MANAGEMENT SAVINGS

The Chief Financial Officer of the District of Columbia Retirement Board, the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act; Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct), of which $236,075,000 shall be apportioned and payable to the Distric-
t's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as au-
torized, by an Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes (33 Stat. 1174 and 1175; Pub-
lic Law 58-140; D.C. Code, sec. 43-1512 et seq.); Pro-
vided, That the requirements and restrictions that apply to general fund capital im-
provement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1992 (35 Stat. 1174 and 1175; Pub-
lic Law 97-91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Raffles for Charities, and for the Purpose in the District of Columbia (D.C. Law 3-172; D.C. Code, sec. 2-2501 et seq. and sec. 22-1516 et seq.), $234,400,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District’s own locally generated revenues: Pro-
vided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled “An Act To Establish A District of Columbia Armory Board, and for other purposes” (62 Stat. 339; D.C. Code, sec. 2-1301 et seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Pub-
lic Law 85-300; D.C. Code, sec. 2-321 et seq.); Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 94-263), as amended; and Provided further, That the requirements and restrictions that apply to general funds for capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS

PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospi-
tals Public Benefit Corporation, established by D.C. Law 4-101, as amended, section 32-262.2, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,006,000 from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1-711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Pro-
vided, That the District of Columbia Retirement Board shall provide the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and that further, the District of Columbia Retirement Board shall make reductions totaling $20,000,000 in local funds for capital improvement projects.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enter-
pise Fund, $50,226,000 from other funds.

Capital Outlay (including Rescissions)

For construction projects, $1,260,524,000 of which $693,450,000 shall be provided from local funds, $236,075,000 from Federal funds, and a rescission of $5,000, except that in the case of the Chairman of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

For the Correctional Industries Fund, estab-
lished by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Pub-
lic Law 98-622), $1,810,000 from other funds.

For the Pension Fund, $50,226,000 from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, funds may be expended with the au-
thorization of the chair of the Council.

For the Correctional Industries Fund, estab-
lished by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Pub-
lic Law 98-622), $1,810,000 from other funds.

For the Washington Convention Center Enter-
pise Fund, $50,226,000 from other funds.

For the Pension Fund, $50,226,000 from other funds.

Sec. 101. The expenditure of any appropriation under this Act shall be made available for the operation of educational institutions, the commis-
sioning of personnel, for other educational purposes or objects of expenditure, such amount, unless otherwise specified, shall be con-
idered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively for said purpose or object.
of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making grants authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Code 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 112. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(1)(F)) is amended by striking "(1) the Mayor approves the acceptance and use of the gift or donation; (2) the Mayor disapproves the acceptance and use of the gift or donation; (3) the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and (4) the entity uses the gift or donation to carry out its authorized functions or duties."

SEC. 111. (a) The District of Columbia Government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(b) For the purposes of this section, the term "District of Columbia government" includes an independent agency of the District of Columbia, or any other related goods or services, as determined by the Mayor.

[c] For the purposes of this section, the term "District of Columbia government" includes an independent agency of the District of Columbia, or any other related goods or services, as determined by the Mayor.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia, or any other related goods or services, as determined by the Mayor.

SEC. 117. None of the funds provided in this Act that are not specifically appropriated for the District of Columbia shall be used for any other purpose except as provided in this Act.

SEC. 118. None of the funds provided in this Act that are not specifically appropriated for the District of Columbia shall be used for any other purpose except as provided in this Act.

SEC. 119. None of the funds provided in this Act that are not specifically appropriated for the District of Columbia shall be used for any other purpose except as provided in this Act.

SEC. 120. The Mayor shall not expend any money borrowed for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowing.

SEC. 121. No part of this appropriation shall be available for obligation or expenditure for an agency through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless (a) the appropriation is charged, broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be entered into without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-242(1)(F)), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible and if the Department of General Services determines that as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of all funds. The sequestration order shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall notify the Secretary of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-242(1)(F)) is amended by striking "1, not to exceed" and all that follows and inserting a period.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation that is not a gift if such gift or non-appropriated funds, and capital financing.

SEC. 126. None of the Federal funds provided in this Act may be used for the purpose of complying with any sequestration order; and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing.

SEC. 127. (a) The University of the District of Columbia and the Advisory Board of the University of the District of Columbia shall be responsible for making sure that the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management systems are also available for the purposes of making payments, non-appropriated funds, and capital financing.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act may be used for the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management systems or also available for the purposes of making payments, non-appropriated funds, and capital financing.

SEC. 129. None of the funds contained in this Act may be used for the purpose of complying with any sequestration order.
(1) the hourly rate of compensation of the attorney exceeds the hourly rate of compensation under section 11-2604(a), District of Columbia Code; or
(2) the maximum amount of compensation of the attorney exceeds the maximum amount of compensation under section 11-2604(b)(1), District of Columbia Code, except that compensation in excess of such maximum may be approved for extended or complex representation in accordance with section 11-2604(c), District of Columbia Code.

SEC. 130. None of the funds made available under this Act shall be expended for any abortion except where the life of the mother would be endangered if the abortion were not performed, or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be expended to implement or administer the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or government benefits to such couples, on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia a report within 15 calendar days after the end of each quarter a report that sets forth—
(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;
(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;
(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, agency reporting code, and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date; the name of the contractor, the amount of payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;
(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and
(5) the report made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names and titles of staff who have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) In General.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—
(1) the general schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter if any; and the annual report shall include a compilation of positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and
(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, program (including funding source), activity, location for accounting purposes, job title, grade, and classification, annual salary, and position control center.
(b) Submission.—The annual report required by subsection (a) of this section shall be submitted to the Authority in accordance with this section, including the appropriate congressional committees, the Mayor, the District of Columbia Council, the Congress, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than October 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority of the District of Columbia Financial Responsibility and Management Assistance Authority, annual budgets consistent with the provisions of the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) for fiscal years 1999, 2000, and thereafter if any, including the budget for each of the fiscal years 1999 and 2000 and a detailed plan of capital expenditures for each of the fiscal years 1999 and 2000, respectively, with anticipated actual expenditures.
(b) The released budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets submitted by the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) Ceiling on Total Operating Expenditures.—
(1) In General.—Notwithstanding any other provision of law, the total amount appropriated for the District of Columbia for fiscal year 2000 under the caption "Division of Expenses" shall not exceed the lesser of—
(A) the sum of the total revenues of the District of Columbia for such fiscal year; or
(B) $5,515,379,000 (of which $152,753,000 shall be from non-appropriated funds and $3,113,854,000 shall be from local funds), which amount may be increased by the following:
(B) the Authority has reviewed and approved the budget and its adjustments; or
(3) no amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant or loan.

SEC. 137. (a) The Superintendent of the District of Columbia shall annually prepare and submit to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority of the District of Columbia Financial Responsibility and Management Assistance Authority, a report setting forth information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, the Committee on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 138. (a) The Chief Financial Officer of the District of Columbia shall produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.
(b) The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the appropriate congressional committees, the Mayor, the District of Columbia Council, the Congress, the Consensus Commission, and the Authority, not later than February 15 of each year.

(b) Acceptance and Use of Grants Not Included in Ceiling.—
(1) In General.—Notwithstanding subsection (a)(1), the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-108; 109 Stat. 152), may accept, obligate, and expend Federal, private, or other grants received by the District government that are not reflected in the budget as approved by the Congress or the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority of the District of Columbia Financial Responsibility and Management Assistance Authority.

(b) Acceptance and Use of Grants Not Included in Ceiling.—
(1) In General.—Notwithstanding subsection (a)(1), the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-108; 109 Stat. 152), may accept, obligate, and expend Federal, private, or other grants received by the District government that are not reflected in the budget as approved by the Congress or the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority of the District of Columbia Financial Responsibility and Management Assistance Authority.

(c) Report on Expenditures by Financial Responsibility and Management Assistance Authority.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House, the report, including information on the amount, purpose, and vendor name, and a description of the services or products provided, with respect to the expenditures of such funds.

(d) Report on Expenditures by Financial Responsibility and Management Assistance Authority.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House, the report, including information on the amount, purpose, and vendor name, and a description of the services or products provided, with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under federal control or supervision of a federal officer or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Chief Financial Officer of the District of Columbia, and the Authority, not later than February 15 of each year, estimates of the expenditures and appropriations...
necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of this Act. The District of Columbia Home Rule Act (87 Stat. 1996; D.C. Code sec. 1-101 et seq.) shall not apply to the District of Columbia Home Rule Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(b) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 791(b)). The Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) Compliance With Buy American Act.---None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) Sense of the Congress; Requirement Regarding Notice.---(1) Purchase of American-Made Equipment and Products.---In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of Congress that the recipient of the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) Notice to Recipients of Assistance.---In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to the recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.---If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility processes described in sections 9.4 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless: (1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-1302 et seq.); and (2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia programs that are not specifically authorized by the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the correctional center located in Youngstown, Ohio.
SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

SEC. 151. (a) Restrictions.—None of the funds contained in this Act may be used to make rental payments for property occupied by the District of Columbia government (including any independent agency of the District) unless—

(1) a lease and an abstract of the lease have been filed with the central office of the Deputy Mayor for Economic Development; and

(2) the District, or the landlord that occupancy is impracticable and occupies the property during the period of time covered by the rental payment; or

(b) Unoccupied Property.—After 120 days from the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments for property described in subsection (a)(2)(B) of this section.

(c) Semi-Annual Reports by Mayor.—Not later than 20 days after the end of each 6-month period that begins on October 1, 1998, the Mayor of the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate listing the leases for the use of real property by the District of Columbia government that were in effect during the 6-month period, and including for each such lease the location of the property, the name of any person with any ownership interest in the property, the rate of payment, the period of time covered by the lease, and the conditions under which the lease may be terminated.

SEC. 152. None of the funds contained in this Act or the District of Columbia Appropriations Act, 1999, may be used to enter into a lease on or after the date of the enactment of this Act (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) unless—

(1) the Mayor certifies to the Committees on Appropriations of the House of Representatives and the Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended;

(2) notwithstanding any other provisions of law, there is made available for sale or lease all property of the District of Columbia which the Mayor considers surplus (or which is determined to be surplus to the needs of the District of Columbia);

(3) the Mayor implements a program for the periodic survey of all District property to determine if it is surplus to the needs of the District; and

(4) the Mayor within 60 days of the date of the enactment of this Act has filed a report with the appropriations and authorizing committees of the House and Senate providing a comprehensive plan for the management of the District of Columbia real property assets and is proceeding with the implementation of the plan.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 2009-293) is amended—

(b) Public Charter School Reform Act of 1995 (Public Law 104-134; D.C. Code, sec. 31-2853) is amended by striking “and a detailed breakdown of the amount allocated”.

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. The District of Columbia School Reform Act of 1995 (Public Law 104-134; D.C. Code, sec. 31-2853(c)(3)) is amended by adding at the end the following: “except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission by the public charter school in which the applicant is seeking enrollment.”

SEC. 156. Section 1206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104-134; D.C. Code, sec. 31-2853(c)(6)) is amended by adding at the end the following: “except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission by the public charter school in which the applicant is seeking enrollment.”

SEC. 157. (a) Transfer of Funds.—There is hereby transferred from the District of Columbia School Reform Act of 1995 (Public Law 104-134; D.C. Code, sec. 31-2853) to the charter schools for the academic year 1999-2000 the amount of $5,000,000.

(b) Source of Funds.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority for the charter schools for the academic year 1999-2000.

(c) Deposit of Other Fees and Receipts Into Fund.—There is hereby transferred from the charter schools for the academic year 1999-2000 the amount of $5,000,000.

(d) Use of Funds.—The amount transferred under subsection (a) shall be deposited into a fund held by the Mayor of the District of Columbia. The Mayor shall specify among public and private providers of public charter schools, the location of the property, the rate of payment, the period that begins on October 1, 1999, the Mayor shall make rental payments under such a lease) for property described in subsection (a)(2)(A) of this section, the location of the property, the rate of payment, the period of time covered by the lease, and the conditions under which the lease may be terminated.

SEC. 158. The Mayor of the District of Columbia shall transfer to the charter schools for the academic year 1999-2000 the amount of $5,000,000.

SEC. 159. (a) In General.—The Mayor of the District of Columbia shall transfer to the charter schools for the academic year 1999-2000 the amount of $5,000,000. The Mayor shall specify among public and private providers of public charter schools, the location of the property, the rate of payment, the period that begins on October 1, 1999, the Mayor shall make rental payments under such a lease) for property described in subsection (a)(2)(A) of this section, the location of the property, the rate of payment, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(b) Deposit of Other Fees and Receipts Into Fund.—There is hereby transferred from the charter schools for the academic year 1999-2000 the amount of $5,000,000.

(c) Use of Funds.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority for the charter schools for the academic year 1999-2000.

SEC. 160. (a) Prohibiting Payment of Administrative Costs from Fund.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1984 (D.C. Code, sec. 3-435) is amended—

(1) by striking “and administrative costs necessary to carry out this chapter”;

(2) by striking the period at the end of the last sentence of such section and inserting “necessary to carry out this chapter”;

(3) by inserting “or for any other purpose.”;

(4) by striking the period at the end of such section and inserting “necessary to carry out this chapter.”

(b) Maintenance of Fund in Treasury of the United States.—In general.—Section 16(a) of such Act (D.C. Code, sec. 3-435(a)) is amended by striking the second sentence and inserting the following: “The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated for fiscal years 1999 to 2006 to the extent necessary to make payments as authorized under subsection (e).”

(c) Deposits of Other Fees and Receipts into Fund.—Section 16(c) of such Act (D.C. Code, sec. 3-435(c)) is amended—

(1) by striking “and administrative costs necessary to carry out this chapter”;

(2) by striking the period at the end of the last sentence of such section and inserting “necessary to carry out this chapter.”

(d) Annual Transfer of Unobligated Balances to Miscellaneous Receipts of Treasury.—Section 16 of such Act (D.C. Code, sec. 3-435), as amended by subsection (b)(2), is amended by inserting after subsection (c) the following new subsection:

(3) Prohibiting Payment of Administrative Costs from Fund.—Section 16(e) of such Act (D.C. Code, sec. 3-435) is amended—

(1) by striking “and administrative costs necessary to carry out this chapter”;

(2) by striking the period at the end of the last sentence of such section and inserting “necessary to carry out this chapter.”

(3) by striking the period at the end of such section and inserting “necessary to carry out this chapter.”

(4) by striking the period at the end of such section and inserting “necessary to carry out this chapter.”

(5) by striking the period at the end of such section and inserting “necessary to carry out this chapter.”

(6) by striking the period at the end of such section and inserting “necessary to carry out this chapter.”

SEC. 164. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted to the District of Columbia Council and the Mayor and approved by the District of Columbia Council shall specify potential adjustments that might be necessary to the budget for an office of the District of Columbia government (including any independent agency of the District) to contain held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 2006 (Public Law 109-277; 112 Stat. 2681-552), for infrastructure needs of the District of Columbia, $5,000,000.

SEC. 165. The Mayor of the District of Columbia shall transfer to the charter schools for the academic year 1999-2000 the amount of $5,000,000.

SEC. 166. In submitting any document showing the budget for the office of the District of Columbia government (including any independent agency of the District) that contains a category of activities labeled as “other”, “miscellaneous”, or a similar general, nondescriptive term, the document shall include a description of the specific activities included in the category and a detailed breakdown of the amount allocated for each such activity.
SEC. 164. AUTHORIZING CORPS OF ENGINEERS TO PERFORM REPAIRS AND IMPROVEMENTS.—(1) IN GENERAL.—In using the funds made available pursuant to this Act or any other Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and related work in the marina and commercial market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers to perform repairs and improvements to the Southwest Waterfront in the District of Columbia. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall ensure that the terms of the acquisition regulations and the implementing Department of Defense regulations.

(2) EFFECTIVE DATE.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999, and shall apply to fiscal year 1999 and each fiscal year thereafter.

(b) TIMING FOR AVAILABILITY OF FUNDS UNDER 1999 ACT.—(1) IN GENERAL.—The District of Columbia Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-124) is amended in the item relating to “FEDERAL FUNDS—FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS”—

(A) by striking “existing lessees” the first place it appears and inserting “existing lessees of the Marina”;

(3) AVOIDANCE OF DUE PROCESS —In carrying out improvements to the Southwest Waterfront in the District of Columbia, the District of Columbia shall comply with the requirements in authorizing the issuance of right-of-way permits under any District of Columbia law.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

SEC. 169. WIRELESS COMMUNICATIONS. (a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

SEC. 170. FINDINGS.—The Congress finds the following:

(A) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $20,000,000 in fiscal year 1993. The District’s Addiction and Prevention Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(B) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services. In recent years, nearly 125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapes were awaiting trial including 2 charged with murder.

(C) The District of Columbia school systems ranked worst in the United States in a recent report by the Annie E. Casey Foundation that measured the well-being of children in cities. The District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(D) The District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances failed to spend funds before the grants expired.

(F) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children in cities. The District for the second consecutive year was the highest among a dozen cities and more than double the second highest city.

(G) The District of Columbia has recent statistics on inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapes were awaiting trial including 2 charged with murder.

(H) The District of Columbia school systems ranked worst in the United States in a recent report by the Annie E. Casey Foundation that measured the well-being of children in cities. The District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(I) The District of Columbia has recent statistics on inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapes were awaiting trial including 2 charged with murder.

(J) The District of Columbia school systems ranked worst in the United States in a recent report by the Annie E. Casey Foundation that measured the well-being of children in cities. The District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(K) The District of Columbia has recent statistics on inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapes were awaiting trial including 2 charged with murder.
adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM. Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—
(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management reform and—
(2) submit to Congress a report on the results of the study under paragraph (1).

This title may be cited as the "District of Columbia Appropriations Act, 2000".

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA.

Commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13-111 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. VOLUME OF CONSTRUCTION.

Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

And the Senate agree to the same.

TODD TIAHRT,
JO ANN EMERSON,
BILL YOUNG,
RANDY "DUKE" CRAWFORD,
JOHN E. SUNUNU,
MANAGERS ON THE PART OF THE HOUSE.

KAY BAILEY HUTCHISON,
ON KI
TED STEVENS,
MANAGERS ON THE PART OF THE SENATE.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE.

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2957) making adjustments and appropriations for 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, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the actions agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the District of Columbia Appropriations Act, 2000, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 106-249 and Senate Report 106-88 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. The agreement agreed to herein, while revising some of the language of this Act, does not negate the language referenced above unless expressly provided. General provisions which are identical in the House and Senate passed versions of H.R. 2957 are approved unless provided to the contrary. The conferees recognize that the District of Columbia Appropriations Act, 2000, incorporates $1,000,000 in the capital program as proposed by the House and includes language allowing the funds to be used for local tax credits to offset costs incurred by individuals in adopting children in the District's foster care system and for health care needs of the children in accordance with legislation to be enacted by the District government.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA.

Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia.

Appropriates $778,770,000 including $565,511,000 from local funds and $184,247,000 from other funds instead of $785,670,000 including $565,411,000 from local funds and $184,247,000 from other funds as proposed by the Senate. The increase of $30,000 above the Senate allocation will provide a total of $1,200,000 for the Citizen Complaint Review Board consisting of $500,000 in Federal funds and $700,000 in local funds in addition to a total of $900,000 in local funds as proposed by the Senate.

And the Senate agree to the same.

TODD TIAHRT,
JO ANN EMERSON,
BILL YOUNG,
RANDY "DUKE" CRAWFORD,
JOHN E. SUNUNU,
MANAGERS ON THE PART OF THE HOUSE.

KAY BAILEY HUTCHISON,
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MANAGERS ON THE PART OF THE SENATE.

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Payment to the Court Services and Offender Supervision Agency for the District of Columbia.

Appropriates $98,900,000 instead of $80,300,000 as proposed by the Senate. The increase above the Senate allowance includes $7,000,000 for increased drug testing and treatment and $5,000,000 for additional parole and probation officers instead of $13,200,000 and $10,000,000, respectively, as proposed by the House.

CHILDREN'S NATIONAL MEDICAL CENTER.

Appropriates $2,500,000 for Children's National Medical Center instead of $3,500,000 as proposed by the House.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT.

Appropriates $1,000,000 for the Metropolitan Police as proposed by the Senate. The conference recognizes the devastating problems caused by illegal drug use and fully supports the program to eliminate drug trafficking in all four quadrants of the District of Columbia. The conferees have included language requiring quarterly reports to the Congress on all four quadrants. The reports should include, at a minimum, the amounts expended, the number of personnel involved, and the overall results and effectiveness of the program in drug prevention and eliminating the drug trafficking problem.

DISTRICT OF COLUMBIA FUNDS.

GOVERNMENTAL DIRECTION AND SUPPORT.

The conference action inserts language proposed by the Senate concerning the salary of members of the Council of the District of Columbia.

OFFICE OF THE CHIEF TECHNOLOGY OFFICER.

The conferees are concerned that the District's child support system is not Y2K compliant. The conferees request that the Office of Corporation Counsel is responsible for developing, operating, and maintaining this system which is used by the District's courts to collect payments from absentee parents, disburse payments to custodial parents, and account for these activities. The conferees urge the District's Chief Technology Officer to provide the Office of Corporation Counsel with the necessary support to ensure that: (1) The system is promptly remade and tested, and (2) a business continuity and contingency plan that includes the Courts' child support functions is in place. The conferees request a report on this matter by November 1, 1999.

PUBLIC SAFETY AND SECURITY.

Appropriates $778,770,000 including $565,511,000 from local funds and $184,247,000 from other funds instead of $785,670,000 including $565,411,000 from local funds and $184,247,000 from other funds as proposed by the Senate. The decrease of $30,000 above the Senate allocation will provide a total of $1,200,000 for the Citizen Complaint Review Board consisting of $500,000 in Federal funds and $700,000 in local funds in addition to a total of $900,000 in local funds as proposed by the Senate.
The conference action retains the proviso that caps the number of police officers assigned to the Mayor’s security detail at 15 as proposed by the House.

The conference action includes a proviso that allows up to $700,000 in local funds for the Citizen Complaint Review Board instead of $900,000 in local funds as proposed by the Senate.

**FIRE DEPARTMENT**

The conferees recommend that the Fire and Emergency Medical Services Department conduct a study about the need for placement of automated external defibrillators in Federal buildings.

**PUBLIC EDUCATION SYSTEM**

The conference action includes the proviso proposed by the Senate concerning the Weighted Student Formula and the setting aside of five percent of the total budget which is to be apportioned when the current student count for public and charter schools has been completed. The conference action also includes a proviso proposed by the Senate allowing $500,000 for a Schools Without Violence program.

**HUMAN SUPPORT SERVICES**

Appropriates $1,526,361,000 including $635,373,000 from local funds as proposed by the House instead of $1,526,111,000 including $635,123,000 as proposed by the Senate.

**PUBLIC WORKS**

The conference action deletes the proviso earmarking funds as proposed by the Senate.

**RECEIVERSHIP PROGRAMS**

Appropriates $342,077,000 including $217,606,000 from local funds instead of $345,577,000 including $221,106,000 from local funds as proposed by the House and $337,077,000 including $212,606,000 from local funds as proposed by the Senate.

**RESERVE**

The conference action deletes the proviso concerning expenditure criteria as proposed by the Senate.

**DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY**

The conference action retains the proviso concerning the cap on the salary levels of the Executive Director and the General Counsel as proposed by the House.

**PRODUCTIVITY BANK**

The conference action retains the proviso requiring quarterly reports as proposed by the House.

**PRODUCTIVITY BANK SAVINGS**

The conference action retains the proviso requiring quarterly reports as proposed by the House.

**PROCUREMENT AND MANAGEMENT SAVINGS**

The conference action restores the proviso requiring quarterly reports as proposed by the House and deletes the proviso requiring Council approval of a resolution authorizing management reform savings proposed by the Senate.

**D.C. RETIREMENT BOARD**

The conference action amends the cap on the compensation of the Chairman of the Board and the Chairman of the Investment Committee of the Board to $7,500 instead of $10,000 as proposed by the House.

**CAPITAL OUTLAY**

The conference action revises the first paragraph for clarity as proposed by the House.

**SUMMARY TABLE OF CONFERENCE RECOMMENDATIONS BY AGENCY**

A summary table showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation heading for fiscal year 1999, the fiscal year 2000 request, the House and Senate recommendations, and the conference allowance follows:
## SUMMARY

**FY 2000 D. C. APPROPRIATIONS BILL**

<table>
<thead>
<tr>
<th>TITLE I</th>
<th><strong>FEDERAL FUNDS</strong></th>
<th><strong>House Bill</strong></th>
<th><strong>Amount</strong></th>
<th><strong>Senate Bill</strong></th>
<th><strong>Amount</strong></th>
<th><strong>Conference</strong></th>
<th><strong>Amount</strong></th>
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<td></td>
<td><strong>FTEs</strong></td>
<td><strong>FTEs</strong></td>
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<td><strong>FTEs</strong></td>
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<td>Children's National Medical Center</td>
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### DISTRICT OF COLUMBIA FUNDS

**Operating expenses:**

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<tr>
<th>Description</th>
<th>House Bill FTEs</th>
<th>Amount</th>
<th>Senate Bill FTEs</th>
<th>Amount</th>
<th>Conference FTEs</th>
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<td>9,264</td>
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<td>9,264</td>
<td>778,470,000</td>
<td>9,264</td>
<td>778,770,000</td>
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<td>2,755</td>
<td>337,077,000</td>
<td>2,755</td>
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<td>0</td>
<td>8,500,000</td>
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<td>0</td>
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</table>

**D.C. Financial Responsibility and Management Assistance**

| Authority                                                   | 33              | 3,140,000      | 33               | 3,140,000      | 33              | 3,140,000      |

**Repayment of Loans and Interest**

| 0 | 328,417,000 | 0 | 328,417,000 | 0 | 328,417,000 |

**Repayment of General Fund Recovery Debt**

| 0 | 38,286,000 | 0 | 38,286,000 | 0 | 38,286,000 |

**Payment of Interest on Short-Term Borrowing**

| 0 | 9,000,000 | 0 | 9,000,000 | 0 | 9,000,000 |

**Certificates of Participation**

| 0 | 7,950,000 | 0 | 7,950,000 | 0 | 7,950,000 |

**Optical and Dental Payments**

| 0 | 1,295,000 | 0 | 1,295,000 | 0 | 1,295,000 |

**Productivity Bank**

| 0 | 20,000,000 | 0 | 20,000,000 | 0 | 20,000,000 |

**Productivity Bank Savings**

| 0 | (20,000,000) | 0 | (20,000,000) | 0 | (20,000,000) |

**Procurement and Management Savings**

| 0 | (21,457,000) | 0 | (21,457,000) | 0 | (21,457,000) |

**Water and Sewer Enterprise Fund**

| 0 | 279,608,000 | 0 | 279,608,000 | 0 | 279,608,000 |

**Lottery and Charitable Games Enterprise Fund**

| 100 | 234,400,000 | 100 | 234,400,000 | 100 | 234,400,000 |

**Sports and Entertainment Commission**

| 0 | 10,846,000 | 0 | 10,846,000 | 0 | 10,846,000 |

**D.C. General Hospital (Public Benefit Corporation)**

| 0 | 89,008,000 | 0 | 89,008,000 | 0 | 89,008,000 |

**D.C. Retirement Board**

| 13 | 9,892,000 | 13 | 9,892,000 | 13 | 9,892,000 |

**Correctional Industries Fund**

| 31 | 1,810,000 | 31 | 1,810,000 | 31 | 1,810,000 |

**Washington Convention Center Enterprise Fund**

| 0 | 50,226,000 | 0 | 50,226,000 | 0 | 50,226,000 |

**Total, operating expenses**

| 32,719 | 5,370,026,000 | 32,719 | 5,334,076,000 | 32,719 | 5,362,626,000 |

**Capital Outlay:**

**General fund**

| 0 | 1,218,637,500 | 0 | 1,218,637,500 | 0 | 1,218,637,500 |

**Water and Sewer fund**

| 0 | 197,169,000 | 0 | 197,169,000 | 0 | 197,169,000 |

**Total, capital outlay**

| 0 | 1,415,806,500 | 0 | 1,415,806,500 | 0 | 1,415,806,500 |

**Grand Total, District of Columbia Funds**

| 32,719 | 6,785,832,500 | 32,719 | 6,749,882,500 | 32,719 | 6,778,432,500 |
### GOVERNMENTAL DIRECTION AND SUPPORT

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<tr>
<th>Agency/Activity</th>
<th>FY 1999 Approved</th>
<th>FY 2000 Request</th>
<th>House Recommendation</th>
<th>Senate Recommendation</th>
<th>Conference Allowance</th>
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<tr>
<td>Council of the District of Columbia</td>
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<td>10,477,000</td>
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<td>623,000</td>
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<td>623,000</td>
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<tr>
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<td>Office of Inspector General</td>
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Total, Appropriation for Governmental Direction and Support: 164,144,000

Plus Intra-District funds: 39,796,000

Total: 203,940,000

1/ General Provision, Sec. 168, $5,000,000.
## ECONOMIC DEVELOPMENT AND REGULATION

<table>
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<tr>
<th>Agency/Activity</th>
<th>FY 1999 Approved</th>
<th>FY 2000 Request</th>
<th>House Recommendation</th>
<th>Senate Recommendation</th>
<th>Conference Allowance</th>
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</thead>
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<td>Business Services and Economic Development</td>
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<td>22,515,000</td>
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<td>FY 2000 Request</td>
<td>House Recommendation</td>
<td>Senate Recommendation</td>
<td>Conference Allowance</td>
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<td>Police and Fire Retirement System</td>
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<td>245,577,000</td>
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<td><strong>Total, Public Safety and Justice</strong></td>
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<td><strong>785,670,000</strong></td>
<td><strong>778,470,000</strong></td>
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<tr>
<td><strong>Plus Intra-District funds</strong></td>
<td><strong>10,500,000</strong></td>
<td><strong>5,726,000</strong></td>
<td><strong>5,726,000</strong></td>
<td><strong>5,726,000</strong></td>
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<td><strong>Total</strong></td>
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## PUBLIC EDUCATION SYSTEM

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<th>FY 2000 Request</th>
<th>House Recommendation</th>
<th>Senate Recommendation</th>
<th>Conference Allowance</th>
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<td><strong>Plus Intra-District funds</strong></td>
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## HUMAN SUPPORT SERVICES

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<th>Conference Allowance</th>
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**Plus Intra-District funds**

- **Total**: 1,521,983,000
- **Intra-District**: 1,532,564,000
- **Combined**: 1,532,929,000

- **Senate Recommendation**: 1,532,679,000
- **Conference Allowance**: 1,532,929,000
## PUBLIC WORKS

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1/ General Provisions, Sec. 157.
## FINANCING AND OTHER

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## PROCUREMENT AND MANAGEMENT SAVINGS

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H7408

CONGRESSIONAL RECORD — HOUSE

August 5, 1999


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<tr>
<td>Procurement</td>
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<tr>
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<tr>
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<tr>
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<td>Procurement, Office of the Inspector General</td>
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The conference action restores section 117 of the House bill concerning the correctional facility in Youngs-town, Ohio as proposed by the Senate.

The conference action deletes section 128 of the Senate bill concerning the prohibition of Federal funds for legalizing marijuana or reducing penalties.

The conference action restores section 129 of the House bill in lieu of section 118 of the Senate bill concerning the reaping of the salary of the City Administrator and the per diem compensation to the directors of the Redevelopment Land Agency.

The conference action approves section 127 of the Senate bill (new section 128) concerning financial management services.

The conference action revises the ceiling on operating expenses in section 125 (new section 136) to $5,515,379,000 including $3,113,854,000 from local funds instead of $5,522,779,000 including $3,117,254,000 as proposed by the House and $5,486,829,000 as proposed by the Senate.

The conference action deletes subsection (d) of section 125 of the House bill concerning the application of excess revenues as proposed by the Senate.

The conference action deletes section 137 of the House bill concerning a report on public school openings as proposed by the Senate.

The conference action requires the inventory of motor vehicles required by section 138 of the House bill and 138 of the Senate bill (new section 139) to be submitted by the Chief Financial Officer as proposed by the House instead of by the Mayor as proposed by the Senate.

The conference action restores section 142 of the House bill concerning Compliance with Buy American Act as proposed by the Senate.

The conference action deletes section 141 of the Senate bill concerning certain real property in the District of Columbia. The language was made permanent in Public Law 105-277.

The conference action deletes the date referenced in section 146 of the Senate bill concerning the acquisition of a National Facility in Youngstown, Ohio as proposed by the Senate.

The conference action approves section 148 of the Senate bill concerning a reserve and position for the District of Columbia. The conference believe that the reserve fund will now serve as a “true rainy day” fund. Further, the conference now require that the reserve fund must maintain a fund surplus of not less than 4 percent. Any funds in excess of this level could be used for debt reduction and non-recurring expenses. The conference believe that this combination of reforms will provide the District with a stable financial situation that will in time reduce the District’s debt and lead to an improved overall rating.

The conference action restores section 150 of the House bill concerning the prohibition on the use of Federal and local funds for a new lease or purchase of real property, or for payments to individuals or entities that carry out any such program.

The conference action deletes section 151 of the House bill (new section 152) which prohibits the use of Federal funds for legalizing marijuana or reducing penalties. Section 168 of the House bill (new section 167) prohibits Federal and local funds for a new lease and purchase of real property, or for payments to individuals or entities that carry out any such program.

The conference action restores section 152 of the House bill (new section 151) concerning the prohibition leasing of real property in enterprise zones and low and moderate income areas in the District of Columbia. The conference believe that the Commercial Revi- talization program will be an important tool for the city to improve blighted neighbor- hoods in the District of Columbia. The conference believes it is important to keep new commercial enterprises into neglected areas of the city. The conference direct the District to review Congressional proposals on this issue in order to use the funds effectively.

The conference action retains and amends section 150 of the Senate bill (new section 169) concerning wireless communication and coordination with the Federal Communications Commission. The language recommended by the conference requires the Na- tional Park Service to implement the notice of decision approved by the Federal Communications Commission by April 7, 1999, includ- ing the issuance of right-of-way permits within 7 days of the enactment of this Act subject to judicial review. Concerning future applications for siting on Federal land, the responsible Federal agency is directed to take final action to approve or deny each ap- plication, including action on the issuance of right-of-way permits at market rates, within 120 days of the receipt of such application. This 120 day directive does not change or eliminate the obligation that the responsible Federal agency must comply with existing Federal laws. As provided in current law, including the National Capital Planning Act, a Federal agency considering applications involving Federal land within the District of Columbia may consider, but is not bound by, recom- mendations of the National Capital Plan- ning Commission.

The conference action inserts section 151 of the Senate bill (new section 170) concerning quality-of-life issues and changes the find- ings to conform with a sense of the Senate to a sense of the Congress.

The conference action inserts section 152 of the Senate bill (new section 171) concerning Federal Medicaid payments to Disproportionate Share Hospitals.

The conference action inserts section 153 of the Senate bill (new section 172) concerning the Studio Museum in the Anacostia River environmental cleanup.

The conference action restores section 163 of the House bill concerning the chief financial officers of the District of Columbia for its action to reduce taxes and modify the District’s Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 as proposed by the House.

The conference action deletes section 164 of the Senate bill concerning certain real property in the District of Columbia. The conference believe this is a comprehensive study of all components of the criminal justice system including law enforcement, courts, corrections, probation, and parole. The report should include recommendations for improving the performance of the overall system as well as the individual agencies and programs.

The conference action deletes section 154 of the Senate bill concerning termination of parole for illegal drug use.

**T I T L E  I I — T A X R E D U C T I O N**

The conference action restores Title II—Tax Reduction commending the District of Columbia for its action to reduce taxes and modify the District’s Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 as proposed by the House.

**C O N F E R E N C E T O T A L — W I T H C O M P A R I S O N S**

The total new budget (obligational) au- thorized is $3,113,854,000 in fiscal year 1999 and $3,117,254,000 in fiscal year 2000, as recommended by the Committee of Conference, with com- parisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

---

**FEDERAL FUNDS:**

- New budget (obligational) authority, fiscal year 1999: $683,639,000
- New budget (obligational) authority, fiscal year 2000: $393,740,000

---

**BUDGET ESTIMATES OF NEW AUTHORIZATIONS:**

- Senate bill, fiscal year 1999: $453,000,000
- Senate bill, fiscal year 2000: $410,740,000

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**CONFERENCE AGREEMENT:**

- Senate bill, fiscal year 2000: $429,100,000
CONGRESSIONAL RECORD – HOUSE

H7413

August 5, 1999

Conference agreement compared with:
New budget (obligational) authority, fiscal year 1999 ............... (254,539,000)
House bill, fiscal year 2000 ............... (23,900,000)
Senate bill, fiscal year 2000 ............... 18,360,000

Budget estimates of new (obligations) authority, fiscal year 2000 .......... 35,360,000

District of Columbia funds:
New budget (obligational) authority, fiscal year 1999 ............... 6,790,168,737
Budget estimates of new (obligations) authority, fiscal year 2000 .......... 6,745,278,500
House bill, fiscal year 2000 ............... 6,785,832,500
Senate bill, fiscal year 2000 ............... 6,749,882,500
Conference agreement, fiscal year 2000 .......... 6,778,432,500

CONFERENCE AGREEMENT

The conference agreement (H.R. 2488) “An Act to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000.”

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which concurrence of the House is requested:
S. 1543. An act to amend the Agricultural Adjustment Act of 1938 to release the tobacco production and marketing information.

PERMISSION FOR COMMITTEE ON COMMERCE TO HAVE UNTIL MID-NIGHT, SEPTEMBER 7, 1999, TO FILE REPORTS ON H.R. 1714, H.R. 1688, H.R. 486, H.R. 2313, and H.R. 2506

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be permitted to file its reports on the following bills no later than midnight September 7, 1999:
H.R. 1714;
H.R. 1688;
H.R. 486;
H.R. 2313; and
H.R. 2506.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.


Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of August 5, 1999, to consider the conference report to accompany the bill (H.R. 1905) making appropriations for the legislative branch for the fiscal year ending September 30, 2000, and for other purposes; the conference report be considered as read and all points of order against the conference report and against its consideration be waived, and the previous question be ordered to final adoption without intervening motion except 20 minutes of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees and one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Further Message from the Senate

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:
H. Con. Res. 167. Concurrent resolution authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest.

The message also announced that the Senate agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2488) “An Act to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000.”

The Clerk read the resolution, as follows:

H. Res. 275

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the budget for fiscal year 2000; declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the budget for fiscal year 2000, and for other purposes. The first reading of the bill shall be dispensed with.

The Clerk read the resolution, as follows:

H. Res. 275

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the budget for fiscal year 2000; declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the budget for fiscal year 2000, and for other purposes. The first reading of the bill shall be dispensed with.

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friend, the gentleman from Massachusetts (Mr. MOAKLEY), 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.

Ms. PRYCE of Ohio, 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. 275. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 275 is an open rule that governs the consideration of H.R. 2684, the fiscal year 2000 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

The rule provides for 1 hour of general debate, equally divided and controlling. The chairing member and the chairman of the Committee on Appropriations. All points of order against consideration of the bill with respect to unauthorized or legislative provisions as well as the transfer of funds in the general appropriations bill are waived, except as specified by the rule.

After general debate, it shall first be in order to consider the amendment printed in the Committee on Rules report. This amendment would restore funding for the Selective Service, which the bill itself eliminates. The Committee on Rules understands that Members on both sides of the aisle have strong feelings about the value of the selective service.

Therefore, we felt it was appropriate and fair to provide waivers for this amendment and let the House work its will. The amendment is bipartisan, and will be offered by the gentleman from California (Mr. CUNNINGHAM), a member of the Appropriations Committee on Appropriations, along with the gentleman from South Carolina (Mr. SPEENCE), who chairs the Committee on Armed Services. Other cosponsors include the gentleman from Virginia (Mr. MORAN), the gentleman from Indiana (Mr. BUYER) and the gentleman from Texas (Mr. ORTIZ), all of whom serve either on the Committee on Appropriations or Committee on Armed Services.

Points of order against the amendment, if any, comply with clause 2 of Rule XXI are waived. The amendment shall be debatable for 20 minutes, equally divided and controlled by a proponent and an opponent, and it is not subject to amendment or division of the question.

To ensure orderly consideration of the bill, the rule provides priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Further, the rules also provide the Chair to postpone votes and reduce voting time on positioned questions to 5 minutes, as long as the first vote in a series is a 15-minute vote.

Finally, the rule provides for the customary motion to reconsider, with or without instructions.

Mr. Speaker, the VA-HUD appropriations bill combines fiscal responsibility with social responsibility. Under the Republican majority in Congress, we have fought tooth and nail for a balanced budget through lower government spending. We have combed the budget for waste, duplication, and inefficiency; and we have made the tough decisions necessary to ensure that the Federal Government stays within its means. Today we are seeing the fruits of our labor in a balanced budget and projected surpluses as far as the eye can see.

But this is no time to rest on our laurels. We must be ever vigilant in our responsibility to the taxpayers to spend their hard-earned dollars wisely, while fulfilling the many obligations of government.

One of our most important obligations is to the veterans of this country, who have been willing to trade their lives for the freedom and democracy that we enjoy. It may be impossible to compensate these individuals for their contributions and sacrifices, but this legislation makes a good faith effort by increasing funding for veterans' medical care by $1.7 billion. While the President recommended a freeze in spending on VA health in his budget, this legislation provides the largest increase in VA healthcare that we have seen in decades.

This increase brings spending for veterans' medical care to a total of $13 billion. We did not pull this figure out of thin air. The Committee on Veterans Affairs heard testimony from the veterans service organizations and the VA healthcare officials from across the country before agreeing that a $1.7 billion boost in spending would meet our veterans' needs.

We all want to give our veterans the best healthcare possible, and we probably all agree that the VA health system is inadequate in many respects, but money alone will not solve all of these problems. But an additional $1.7 billion is significant. This money will provide the needed injection into VA healthcare while the system as a whole is examined with an eye toward reforms that can have a much more profound impact on veterans' health.

The Federal Government also has a responsibility to the poorest, most vulnerable of our citizens. We all have debated the importance of Medicare and Social Security as we watch our elderly population grow and life expectancies increase. This bill maintains our commitment to America's senior citizens by providing $660 million for seniors' housing assistance.

The bill also recognizes the challenges faced by people with disabilities, who will receive $194 million in housing aid through this legislation. We cannot have a balanced budget without providing for the disabled.

To ensure the continued availability of affordable housing for low income families, this legislation increases funding for the Housing Certificate Program by $1 billion. This fund is used for the renewal and administration of Section 8 contracts. In other words, the bill provides 100 percent full funding for expiring Section 8 housing contracts.

In addition to the government's responsibilities to our veterans and the poor, Americans have a shared responsibility to protect our environment for future generations. This VA-HUD bill provides $7.3 billion for the Environmental Protection Agency, which is $106 million more than the President requested. Not only is this commitment to the environment more generous than the President's, but it targets the money to local programs designed to protect our resources, rather than bolstering the salaries and expenses of bureaucrats in government agencies in Washington.

The VA-HUD bill provides more than $3 billion for the Federal Emergency Management Agency, which represents an increase of almost $500 million over last year. In fact, disaster relief programs, emergency management planning and assistance, the Emergency Food and Shelter Program and the flood mitigation fund will all be funded above last year's level.

Mr. Speaker, I congratulate the hard work of the gentleman from New York (Chairman WALSH) to fulfill these responsibilities by pare back spending to stay within the limits set in the budget agreement between Congress and the President. It is the fiscal restraint that the gentleman from New York (Chairman WALSH) and the Committee on Appropriations have demonstrated through this bill that is required if our budget surplus is to materialize and be maintained into the future.

This VA-HUD bill funds our priorities, from supporting our Nation's veterans and housing our Nation's poor, to protecting our environment and rebuilding communities devastated by natural disasters. At the same time, this legislation lowers government spending by $1.2 billion.

Some may not agree with the allocation of dollars among the many important programs in this bill. Fortunately, under this rule, I am free to offer amendments to rearrange the spending in this bill, so long as their amendments comply with the rules of the House.
Mr. Speaker, this bill is one more challenge we must be willing to meet as we work to change the culture in Washington. We cannot continue to accept the expenditure of taxpayers' dollars merely because it is dedicated to a program with a popular name or one with good intentions. We must be diligent in our protection of taxpayer interests, both as wage earners and as members of a free society, where government fulfills its legitimate functions and gets out of the way.

We believe that veterans' programs, environmental protection, and emergency assistance are all key government functions, but we also understand that the government can be more efficient in achieving its desired purpose. There are always places where we can trim spending without undermining our objectives. It is our challenge to reconcile these realities to achieve multiple goods.

Mr. Speaker, I hope my colleagues will join me in voting yes on this open rule, and in support of the principles of fiscal and social responsibility which the VA-HUD bill protects.

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

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

Mr. Speaker, congressional spending is above all choices, and the VA-HUD appropriation bill shows us very loud and clear the choices made by my Republican colleagues.

In short, Mr. Speaker, with this bill they have chosen tax breaks for the very rich over health care for veterans and housing for low-income families. They are determined to give the richest Americans a whopping tax break at the expense of just about everybody else, and they have even resorted to shortchanging veterans on their health care.

When this bill is properly funded, it makes sure we keep our promises to our veterans. It helps keep roofs over the heads of low-income disabled and elderly Americans. It protects the environment. It helps make repairs after natural disasters, and it turns scientific research on the heavens into real answers for today's problems on the Earth.

But these cuts mean those worthy programs will begin to decline. The agency that takes the biggest cut, Mr. Speaker, despite the great service they perform, is NASA. Mr. Speaker, NASA expands our frontiers into space. They perform research on issues like El Nino and droughts, issues that have real meaning to the people of the United States.

But Mr. Speaker, this bill cuts their funding. It cuts the funding they received last year by $1 billion. It will hurt American competitiveness, and could mean under 30 space missions either get canceled or deferred.

The other agency that gets big cuts is the housing department. Even though 5 million very low-income families get no housing assistance at all, even though there is an average wait of about 2 years for Section 8 housing, this bill cuts housing programs, not only by what they need to keep up with inflation but also below the actual dollar amount cut last year.

Mr. Speaker, as someone who grew up in public housing, these people save lives, these people give people hope, they give people dignity, they give people a chance, especially when so many Americans are living in poverty, despite working full time jobs. Jobs may be more plentiful these days, Mr. Speaker, but affordable housing is not. But this bill cuts public housing by hundreds of millions of dollars.

Finally and most importantly, Mr. Speaker, this bill does not provide enough for veterans' health care. It lowers the standard of medical care for the men and women who risk their lives in military service. Over 60 veterans' groups say this bill falls $1.3 billion short of the amount needed to provide adequate health care for veterans.

That, Mr. Speaker, is inexcusable. Last night in the Committee on Rules we tried to do something about that. Mr. Derderian moved to strike the second paragraph and strike 16 lines and insert 22 lines and strike 1 paragraph and insert 2 paragraphs and pointed out that the amendment of the gentleman from Texas (Mr. Edwards) to delay the capital gains tax break and use $730 million of that savings for veterans' health care. But we were opposed by every single Republican on the committee.

Unfortunately, Mr. Speaker, I am opposed to this bill because this bill sells our veterans short. It risks leaving low-income families out in the cold, and it will drop the United States out of first place in space exploration.

Mr. Speaker, I urge my colleagues to vote no on the previous question. If the previous question is defeated, I will offer an amendment to the rule to include in this appropriation act offered by the gentleman from Texas (Mr. Edwards) restoring $730 million to veterans' health care. The additional funding will come from delaying the capital gains tax for about 1 year.

Mr. Speaker, there was also a matter on which we agreed and for that I want to thank my chairman, Chairman Dreier, for his leadership. He worked out a compromise for a Democratic colleague, Mr. Edwards. Then he graciously reconvened the Rules Committee so that the authorizing committee could withdraw their objection to Mr. Edwards' veterans' hospital.

Mr. Speaker, I include the text of the amendment of the gentleman from Texas and extraneous materials in the Record.

The material referred to is as follows:

"SECTION 4. Notwithstanding any other provision of this resolution, it shall be in order without intervention of any point of order to consider the following amendment if offered by Representative Edwards of Texas and adopted by the House: The amendment shall be considered as read and shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent. The amendment is not subject to amendment or to a division of the question. The previous question shall be considered as ordered on the amendment."

In the paragraph in title I for the Department of Veterans Affairs, Veterans Health Administration, Medical Care, account—(3) the second dollar amount, insert "(increased by $730,000,000)"; and (2) strike the period at the end and insert a colon and the following:

Provided further, That any reduction in the rate of tax on net capital gain of individuals or corporations under the Internal Revenue Code of 1986 enacted during 1999 shall not apply to a taxable year beginning before January 1, 2001.

Mr. Speaker, I urge my colleagues to vote no on the question so we can give our veterans more of the health care they deserve.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 5 minutes to my distinguished colleague, the gentleman from New York (Mr. Walsh), the chairman of the subcommittee who has worked so hard on this bill.

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

Mr. Speaker, let me first thank the gentlewoman from Ohio (Ms. Pryce) for the courtesy of yielding me time, and to the Committee on Rules, both the gentleman from California (Mr. Dreier) and the ranking member, the gentleman from Massachusetts (Mr. Moakley), for the way they received this bill in committee. I thought we had a good hearing, and we got a good rule.

Mr. Chairman, it is with some sadness that I bring this rule before the House today, I have worked with my partner on this bill from the beginning, a gentleman who I really did not know well when I began as chair of the subcommittee. As I said, sadly, he is not with us tonight to bring this rule before the House.

That is my good friend and colleague, the gentleman from West Virginia (Mr. Molloy), who suffered a tragic loss this week when his father, Robert, who served with such distinction and honor in this House for 18 years as a member of the Committee on Armed Services, passed away. The gentleman from West Virginia asked that we delay the full debate on this bill. It was obviously a heartfelt request. We honored that request but we do not feel that we are doing wrong by the House, and we will withhold the consideration of the bill until we return in the fall.

So I miss him and I wish him well, and I offer my condolences and those of my family and those of my colleagues to the gentleman from West Virginia (Mr. Molloy) and his family.

Mr. Speaker, I think we have done the best we can with a very difficult allocation in a very difficult environment given the constraints and the budget caps we voted for in 1997. We have brought before the House a bill that hold discretionary spending at
congressional record of house

August 5, 1999

Mr. Speaker, I would like to remind many of my colleagues that we cannot consider the draft young 18-year-olds. There is no such thing as a fair draft scheme and to pay for this bill, they are willing to say no new dollars for social security, no new dollars for Medicare. Now they are willing, in this bill, to crush our ability to conduct science, except for the station and the shuttle. They are willing to trash one of the President's top priorities, AmeriCorps. They are willing to take a half a billion dollar cut in public housing. They are willing to take $3 billion out of the Labor-Health-Education appropriation bill to pay for this bill.

The majority party is telling the country that to pay for their tax scheme and to pay for this bill, they are willing to cut education, cut health care, cut the National Institutes of Health by one-third. Members know that is a phony promise. That is a false promise. It is a phony budget.

Mr. Speaker, we asked the Committee on Rules for one amendment, to delay for one year the capital gains gift to the high rollers of this society, and use that money to pay for additional veterans' health care, because the President's request was inadequate and so is this bill on the item of health care. But the majority party says no, we are not doing that, because we will bend jurisdictional rules.

Mr. Speaker, I would say to my friends on the majority side of the aisle, they have obliterated budget rules. One day they use CBO spending estimates, the other day they use OMB or OMB. The next day they use the Census. The next day they use the most laughable claims that routine activities like the Census are emergencies in order to cover spending.
year-old kids to force them to go and fight the political wars that they are not interested in. This is a very, very serious idea and principle of liberty.

So when the time comes in September to vote for this, I beg that my fellow citizens, fellow Congressmen, will think seriously about this, the needlessness to spend $25 million to continue to register young people to go off to fight needless wars. They are not even permitted to drink beer; and, yet, we expect them to be registered and to use them to fight the political wars that this Congress starts for political and narrow-minded reasons.

So when the time comes in September, please consider that there are ways that one can provide for an army without conscription. We have had the reinstatement of registration of the draft for 20 years. It has been wasted money. We can save the $25 million. We should do it. We should not put this money back in. We do not need the Selective Service System.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST), the chairman of the Democratic Caucus.

Mr. FROST. Mr. Speaker, this rule should be defeated. Members of the Republican Party have shamelessly turned their backs on the veterans of this Nation, and they have done so in this rule and this bill.

My Democratic colleagues have shown, by failing to make in order the Edwards amendment, that they are perfectly willing to sacrifice the health care for the veterans of this Nation. For what, Mr. Speaker? For a capital gains tax cut that will provide the lion’s share of its benefits, some 76 percent of the just-passed capital gains tax cut. It is a fiscal policy that would provide the veterans medical care? They are suggesting that we use revenues from a tax cut that they have urged and that, indeed, the President has pledged to veto. Is that real? No. Is it disingenuous? Absolutely.

Now, if there was some support on the capital gains tax cut, maybe it would be more real. It still is fiction. But the fact is, if there is going to be an offset, let us offer a real offset. What we have done is put $1.7 billion on top of the frozen budget that the President has offered for the veterans for the last 3 years. This is a true commitment.

The Congress has been a friend to the veteran. It is obvious in this bill that this was a priority of the subcommittee. I would say once again this is very understandable. No. This is a work in progress. But these are real decisions. I would ask that, if there are changes to be made, then real offsets, real suggestions, real decisions need to be made here.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS), the former ranking member of the Subcommittee on Health of the Committee on Veterans’ Affairs.

Mr. EDWARDS. Mr. Speaker, a Congress that can pass a trillion dollar tax cut today surely should be able to adequately fund veterans health care tonight.

I want to genuinely thank the gentleman from New York (Mr. WALSH), the chairman, and the gentleman from West Virginia (Mr. MOLLOHAN) for their work to end a hard freeze on veterans health care, given a budget devastated by massive irresponsible tax cuts.

Honestly, they did as well as anyone could. Nevertheless, the President’s veto might be a way to fight the political wars that this Congress starts for political and narrow-minded reasons.

This is a shameless situation. Mr. Speaker, and one I know my constituents will not soon forget.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), the chairman, and the gentleman from West Virginia (Mr. MOLLOHAN) for their work to end a hard freeze on veterans health care, given a budget devastated by massive irresponsible tax cuts.

Honesty, they did as well as anyone could. Nevertheless, the President’s veto might be a way to fight the political wars that this Congress starts for political and narrow-minded reasons.

Some say this is an open rule. But the truth is this rule shut the door on the Edwards-Stabenow amendment that would provide $730 million real dollars more for veterans health care.

Our amendment is supported by organizations such as the Disabled American Veterans, the Paralyzed Veterans of America, and the American Legion because they know this money, and they have said this money, is necessary to adequately fund veterans health care.

I want to speak to the gentleman from New York (Mr. WALSH), the chairman, and the gentleman from West Virginia (Mr. MOLLOHAN) for their work to end a hard freeze on veterans health care, given a budget devastated by massive irresponsible tax cuts.

Honesty, they did as well as anyone could. Nevertheless, the President’s veto might be a way to fight the political wars that this Congress starts for political and narrow-minded reasons.

Now, if there is a real effort to provide veterans with additional funds, then make the hard decisions. That is what we were told to do.

I would suggest, what is real? What is real about the offset that is being proposed by the minority to fund the veterans medical care? They are suggesting that we use revenues from a tax cut that they have urged and that, indeed, the President has pledged to veto. Is that real? No. Is it disingenuous? Absolutely.

Now, if there was some support on the capital gains tax cut, maybe it would be more real. It still is fiction. But the fact is, if there is going to be an offset, let us offer a real offset. What we have done is put $1.7 billion on top of the frozen budget that the President has offered for the veterans for the last 3 years. This is a true commitment.

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Honesty, they did as well as anyone could. Nevertheless, the President’s veto might be a way to fight the political wars that this Congress starts for political and narrow-minded reasons.

This is a shameless situation. Mr. Speaker, and one I know my constituents will not soon forget.
Mr. Speaker, there is no logic here. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Ms. STABENOW).

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

Ms. STABENOW. Mr. Speaker, I rise this evening asking my colleagues to oppose the rule for VA-HUD, because it does not allow a vote on the Edwards-Stabenow-Evans amendment.

The VA estimates that the adoption of our amendment would have allowed an additional 140,000 veterans to receive the health care that they need. Instead, this budget continues to underfund these critical services for our veterans.

Today, there are 20,000 fewer VA medical staff than there were 5 years ago. The dollars that we are talking about might be just attempting to get us back to where we were, and it does not even do that.

Due to staffing shortages, for example, a veteran in Tennessee with multiple sclerosis was forced to wait 4 months to be seen by a doctor. We have veterans across this country that travel over 300 miles just to get an X-ray.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Speaker, I rise in strong opposition to this rule and to the bill that is to follow it. Frankly, it does not reflect the values or priorities that this Congress should be setting.

We started with a make-believe budget, and now we are passing make-believe spending bills.

But the cuts in here that are being proposed think speak to the values of where we are going. We have an obligation in this society to help those that are in need. This budget cuts housing $1 billion below what it was last year.

Furthermore, it goes on in the supplemental spending measures that we have had. We have repeatedly used the housing budget as a honey pot to fund other programs, continually taking money out of them and denying the funds that are needed to house people in this country.

It is $2 billion below what the President asked in the housing programs. Of course it eliminates the AmeriCorps. It cuts into the regular and general science programs. This is a budget that has repeatedly denied the opportunity to respond to the needs of our society, those that need housing.

I hope we can reject this rule and re-ject the bill.

Mr. Speaker, I rise in opposition to this rule which will put in place a convoluted process to consider a seriously flawed bill when we return in September. This bill gives short shrift to housing and community development programs, to proven programs like AmeriCorps, and others of import to the science and environmental community. This rule will allow the consideration of a bill that will continue the theme of the past few years: making housing the honey pot for budget spending increases elsewhere and tax cuts for special interests.

The VA-HUD and Independent Agencies bill has been irreparably harmed by the flawed process set up by the initial budget blue print drawn by the Majority who thumbs their noses at the realities of funding needs in social programs, ensuring confrontation this fall with Democrats and the Clinton Administration.

Unfortunately, the VA-HUD Appropriations bill cuts well over a billion dollars in funds from HUD’s budget last year and is some $2 billion below the Administration’s request. It is a sort of water torture of cuts—a drip here, a drip there—but the critical programs are suffering from the budget drought.

Since last week, the overall VA-HUD bill has lost some of the emergency spending gimmicks that other bills retained, such as calling the Decennial Census an “emergency.”

Ms. STABENOW. Mr. Speaker, while the Gentleaman from Mississippi (Mr. E. W. CAREY) has 1 minute to the gentleman from Minnesota (Mr. VENTO), I rise in opposition to this rule. This rule is to deny funding for housing and other needs but to buy off votes to pass it with projects and earmarked funds!

I urge a “no” vote on the rule.

The SPEAKER pro tempore (Mr. QUAYLE). The Chair will inform both managers that the gentleman from Ohio (Ms. PRYCE) has 15 minutes remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER), the ranking member of the Subcommittee on Benefits of the Committee on Veterans’ Affairs.

Mr. FILNER. Mr. Speaker, on behalf of the veterans of San Diego, California, I rise in opposition to this rule.

Mr. Speaker, this bill simply does not address the emergency our veterans are facing. Keeping the promises that we made to our veterans is an emergency: providing veterans health care is an emergency.

It is vital to improve the Montgomery GI. Education bill, which reduces incredible backlog in claims, providers care to those facing illnesses from known causes from the Persian Gulf War.

Not only has this bill failed to address these critical needs, it has compounded this emergency situation by approving hundreds of dollars of individual congressional projects, most of which pale in importance to the health care of our veterans.

So our veterans can wait months for a doctor’s appointment, die from hepatitis C because care is being rationed, live on the streets because there are no services to help them get back into productive lives.

But this bill answers these needs by putting $1 million into a machine to grow plants in space and a half million dollars into improving paints for ship bottoms. Well, improve my ship bottom. Defeat this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I rise today in opposition to the rule. I support the efforts of the gentleman from New York (Mr. Edward J. everett). During the committee process, I want to just share with my colleagues, that we had a sub-stitute motion to try to put $3.1 billion that was needed in this particular piece of legislation and that particular motion was not even allowed, despite the fact that it was a proper motion.

I want to also indicate that there is a tremendous need out there. These resources are not sufficient. We are going
to be seeing some closure of some hospitals and some services that are drastically needed, and I would appeal to my colleagues to please consider the proposal that is here before us. We have an opportunity to be able to do that. I make sure that we go out there and provide the services that are needed to some of our veterans that are hurting.

The fact is there are extended services in terms of health care, in terms of hepatitis C, and emergency care in certain communities that are right now in drastic need of additional resources. We have an opportunity to address that when this vote comes up today. There is no need for us to be going out and verbalizing we are in favor of the veterans while at the same time we are not showing the action that is needed. I ask we vote "no" on the rule.

Mr. Speaker, I rise today in opposition to the rule on H.R. 2684. I support the efforts of Chet Edwards, Debbie Stabenow, David Obey and every other veteran in this chamber who is making sure that we fully fund veterans' medical care in fiscal year 2000. However, the effort to amend the VA-HUD Appropriations bill with this increase was denied by the House Rules Committee. If the amendment were to be in order, I would support this rule, and urge the House leadership to reconsider this decision to deny needed increase in VA spending.

This amendment and the denial of even considering it is nothing new. Members have attempted to offer increased funding ever since the budget recommendations were offered in the House Veterans' Affairs Committee. That effort was based upon the Independent Veterans budget offered the major veterans service organizations such as the Disabled Veterans of America, the Veterans of Foreign Wars, AMVETS and Paralyzed Veterans of America. Many of these groups and the American Legion sent letters to the Rules Committee in support of the Edwards amendment as well, and have been instrumental in raising this issue in VSO halls, rallies, and meetings across the country.

Throughout this budget cycle, I have joined my colleagues in meeting with the Administration. Our goal was to remind the Administration that it must put veterans first. We then secured a revised budget request from Vice President Gore to add a billion dollars to next year's VA appropriation.

The VA is in a position to make real progress in comprehensive health care: Expanded mental health care, long-term and nursing home health care, Hepatitis C, emergency care and other initiatives that had never been fully funded. But how can we provide these expanded goals without an adequate budget to keep our promises.

Now is the time to keep our commitment to those who served our nation when they called. Mr. MOAKLEY, Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. Davis).

Mr. DAVIS of Illinois. Mr. Speaker, this rule represents a cold-hearted approach to the needs of the homeless, including 6,500 veterans who will be left in the lurch.

Public housing is cut down from the President's request, community development block grant programs, which help to rebuild low- and moderate-income communities and enhance the quality of life for all Americans. This is a weak response to the needs of the most vulnerable and is a disservice to the men and women who have made great sacrifices to serve their country.

It is a bad rule, it is a bad bill. I urge that we vote "no."

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. Weyland).

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

Mr. WEYGAND. Mr. Speaker, I thank my colleague from Boston for yielding me this time.

Mr. Speaker, this week The Washington Post wrote about the great accomplishment that we have made in welfare to work; how we have been able to transition people from welfare into work programs, but how we also provided them with the very tools to make that transition.

This bill and this rule takes away some of the most essential parts of that transition. It strips out all kinds of incremental vouchers that allows people to go from welfare into work and still pay for some housing and get some assistance. What will their choice be with this rule and this bill? Either go back into welfare or go into underqualified, unsubsidized, and poor quality housing.

Housing is one of the most basic and fundamental essential parts of life, yet we are stripping that opportunity out and away from these people. We are not giving them hope but despair. We are not providing them with self-respect but rather not care for them with opportunity but a dead end.

Oppose this rule because it does nothing to provide that continuation of welfare to work.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Walsh), the chairman of the committee.

Mr. WALSH. Mr. Speaker, I wish to address this issue of housing, because as an urban Republican and having been a city council president in Syracuse, it is something I feel very, very strongly about. That is why, while we did have to make reductions in the budget, we made no draconian cuts in any of the programs.

I would just submit that when the President presented his budget that has been talked about thus far, the President used a budget gimmick. It is out, we are $2 billion above the President's request for Section 8 housing.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Ms. Waters).

Ms. WATERS. Mr. Speaker, I rise in opposition to this rule. The cuts that the Republicans have made in the VA-HUD appropriations bill really define who they are and what they care about. Let me just list a few of the cuts for my colleagues. A $515 million cut in public housing programs, a $250 million cut in Community Development Block Grants, a $30 million cut in housing opportunities for People With AIDS Programs, a $5.5 million cut in grants to historically black colleges and universities, a $195 million cut in economic development initiatives.

As a result of these cuts, my own home State of California will receive $151 million less than the amount requested by HUD. Specifically, my own district that I represent will receive $46 million less than the amount requested by HUD.

Why are the Republicans doing this? I will tell my colleagues why. These cuts are calculated to provide a $792 billion tax giveaway that favors the wealthiest 1 percent, who would get an average tax cut of $400 a year. This is at the expense of 60 percent of taxpayers in the middle income bracket and below who would receive less than 8 percent of the total tax cuts.

Mr. MOAKLEY. Mr. Speaker, would the Chair be kind enough to provide my colleagues and I the time remaining to us?

The SPEAKER pro tempore (Mr. Walsch). The Chair on both sides that the gentleman from Massachusetts (Mr. Moakley) and the gentlewoman from Ohio (Ms. Pryce) each have 9 1/2 minutes remaining.
Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN) a member of the Committee on Veterans' Affairs.

Ms. BROWN of Florida. Mr. Speaker, we cannot have a surplus if we have not paid our bills. We cannot have a surplus if we have not paid our bills.

It is simply outrageous that the Republicans today have passed a trillion dollar tax cut, when the veterans budget is billions, that is billions of dollars short in funding.

As the ranking member of the Subcommittee on Oversight and Investigations of the Committee on Veterans Affairs, I have seen how this shortfall is hurting our veterans. A nurse home in my district had to delay its opening. Hospitals are understaffed and underfunded. Waiting periods for treatments are still weeks too long, and cemetery space is disappearing.

When the Republicans celebrate a tax cut bill, they have cut the veterans out of this budget. I urge my colleagues to cut them out. Defeat this rule. This is simply unjust to American heroes.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise to support the rule and to congratulate the gentleman from New York (Mr. WALSH) and our committee for the work it has done to support veterans throughout the United States.

I heard a few minutes ago, Mr. Speaker, reference made to staffing shortages in VA hospitals. In many ways that has a lot to do with a lack of presidential leadership and it has a lot to do with the leadership of the Veterans Administration which has been absent in many ways in supporting and properly advocating on behalf of veterans. And that was clearly evidenced through hearings that the VA-HUD committee had and that the gentleman from New York (Mr. WALSH) led. We had inadequate testimony from Secretary West.

And as has been pointed out, over the last 4 years, the President has flattened the veterans' medical care portion of the budget, and it is only through the leadership of this committee that these dollars have been restored each and every year way over what the President has presented, $1.7 billion towards medical care. That would not have happened without the bipartisan leadership of our committee.

One of the other issues, of course, if there are staffing shortages, little wonder, considering the fact that the VA is using a managed care model, a managed care model that is being managed by nonveterans, basically forcing veterans from our hospitals into the communities.

The bottom line is that our committee is providing essential medical care money, more than the President, $1.7 billion. The committee knows the value of veterans, the value of medical care, and we have the endorsements from both the American Legion's national commander and the VFW commander supporting our efforts.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHATOWSKY).

Ms. SCHATOWSKY. Mr. Speaker, I rise to oppose this rule because it is the first step in ripping off the roof over people's heads. That is what we are doing when we cut $2 billion from the HUD budget.

Now, some people will argue that cutting the budget is good government. But this is not just some government program, it is a roof over people's heads. When we cut this program, we are taking away some senior's rent money, we are throwing families out of their homes, and we are denying people on fixed and low incomes the safety and security of an affordable home.

The residents of over 500,000 affordable apartments are at risk of losing their homes over the next 5 years if HUD does not renew the contracts with the private landlords who own them. The money to do that was cut.

Last March, we cut $350 million from the Section 8 program, with solid promises it would be back in the budget; but it is not and we cut the $350 million back if we do not give $800 billion to wealthy special interests in the form of an irresponsible tax cut. And we should put in the $1 billion that the President requested because 500,000 households are depending on us.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, that last statement was bordering on the outrageous, and we have not turned our homes. And to say that is irresponsible.

Not one individual, not one family that is now in public housing will lose their home. Not one individual, not one family that is in Section 8 housing will lose their home. In fact, as I stated earlier, if we take the President's budget gimmick of $4 billion out of this bill, we are $2 billion above the President's request for Section 8 housing.

Mr. Speaker, I ask for a "no'' vote on this rule. We talk about the denial of health care that many of them face. That amendment should have been made in order.

Then we need particularly to look at those who are struggling every day to make ends meet and need Section 8 certificates. Why would we cut and provide less than what we need? Why would we cut $5 million from homeless programs?

Ms. LEE. Mr. Speaker, I rise in opposition to this rule. All of us claim to support human rights in faraway lands. This Republican appropriations bill demonstrates a disrespect for basic human rights for the least of these in our own country.

And I say this because it does cut $5 million for homeless assistance, it cuts $50 million for renovation of severely distressed public housing, it cuts $250 million for Community Development Block Grants, and it cuts $1 billion from the President's request for assistance to landords in exchange for affordable housing.

Of course this is not a tax bill, but as we make these cuts, we must remember that, unfortunately the Republicans did pass a major tax bill earlier that gives $731 million in capital gains tax cuts and $169 million in special interest tax breaks.

It is mind-boggling that those who talk about family values resort to cutting our families' basic foundation. This is a human rights violation of the highest order. I ask for a "no'' vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

I believe maybe we should reconsider the name of this rule, Mr. Speaker, and really call it "I have got mine, you get yours rule'' for the night.

I cannot imagine why the veterans' amendment to restore $730 million for the veterans' health care was not allowed, particularly with the sacrifice that our veterans make on behalf of this country, and especially in light of the fact that when I visit my veterans' facilities and go to veterans' meetings, we talk about the denial of health care that many of them face. That amendment should have been made in order.

Then we need particularly to look at those who are struggling every day to make ends meet and need Section 8 certificates. Why would we cut and provide less than what we need? Why would we cut $5 million from homeless programs?

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Why would we indicate in a market where there is not enough affordable housing that they do not need section 8? It is because I have got mine, you have got yours, and then NASA. We are cutting NASA $1 billion. We are losing jobs. We are denying research on HIV, on diabetes and heart disease.

This is a bill for those who got theirs and they tell the rest of us to get ours. Vote down this rule. This is a bad rule and a bad bill.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

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

I rise to oppose the rule and the appropriations bill. As if the damage to
housing and to veterans were not enough, the bill before us contains deep cuts to research and development. Research and development is the engine which is driving our robust economy.

The $25 million cut to the National Science Foundation would be a $1 billion slash in the NASA budget below the current level, among other critical research, includes a cut even to critical science education programs. And the incredible $1 billion cut in the VA's budgetary constraints limit its ability to effectively and efficiently meet these needs. Currently waiting times for appointments in the VA system are staggering. We are not talking a few days or weeks. If the veteran needs to see a specialist, the wait is even longer.

Let me go on to clarify this point with a quote from Andrew Kissler, the national commander of the Disabled American Veterans' Organization: "On behalf of the more than 2.3 million disabled veterans, including the more than 1 million members of the DAV, I strongly urge you to consider a rule to allow this amendment," referring to the Edwards-Stabenow-Evans amendment.

He goes on to express my views I think very well and the views of many Democrats in this House. While we greatly appreciate the $1.7 billion increase over the Administration's budget request contained in the VA appropriations bill, it does not go far enough to provide for the health care needs of the sick, older veterans' population.

Let me clarify another point. Several of my colleagues have said the President's health care proposal in his budget is inadequate. I agree. We all agree. Nobody is disagreeing. But let the American people know and let us be honest andparseFloat. If the veterans do not write budgets. That is our responsibility.

I let me tell my colleagues what we in Congress have done over the last several years. The President who flat-lined VA health care spending for 5 years. It was this Congress on a bipartisan basis that under the leadership of the Republican Speaker that flat-lined VA health care spending for 5 years.

Why do we not just admit tonight we have made a mistake? I think admitting we made a mistake 20 years ago is a lot more responsible than trying to maintain our commitment to that terrible policy of funding for veterans health care. Congress passes budgets and has that responsibility, not the President.

This Congress has made assumptions in the past several years of budgets that have resulted in spending to have 20 percent more veterans needing care, but we are going to bring in 10 percent extra VA health care income from outside sources. But surprise, this Congress did not pass the Medicare subsidy that was the basis to that assumption.

This Congress, not the President, assumed that the VA would provide veterans care 30 percent cheaper per veteran. Which Member of this House has been willing to make that promise to his or her constituents?

We appreciate the efforts of the gentleman from New York (Mr. Walsh) and the gentleman from Ohio (Ms. Pryce) and others' efforts. But let us say no to this rule. Let us adequately fund VA health care, and let us do it tonight.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. Walsh).
Mr. WALSH. Mr. Speaker, I thank the gentleman from Ohio (Mr. PRYCE) for the courtesy that she has extended and for the remarkably solid debate that we have had.

I would like to use my time just to make a couple of points. One, to correct the gentleman that just spoke prior to the gentleman from Texas. The President has requested no increase in the budget for the last 5 years, but the Congress has put in an increase every single time. This being the largest increase in veterans health care history, this bill is before us today.

As I said, in 10 years veterans medical care has gone up over 70 percent because the Congress, both parties, has stuck with our veterans, unlike the President.

This bill is a good bill. It is full of hard decisions, but it is a good bill and it is a fair bill.

Most of the debate has been around the issue of veterans' medical care. I will just insert for the RECORD the following letter from the Veterans of Foreign Wars:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Hon. JAMES T. WALSH,
Chairman, Committee on VA, HUD, and Independent Agencies,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 1.9 million members of the Veterans of Foreign Wars of the United States (VFW), I want to express our sincere appreciation to you and the other members of the House Appropriations Committee for the $1.7 billion increase for VA Health Care you have prescribed in the VA-HUD-IA appropriation for FY 2000.

This action by you and the committee will prove instrumental toward ensuring veterans receive quality health care delivered in a timely manner at VA medical facilities throughout the nation. Furthermore, this increase will avert unnecessary layoffs of critical medical personnel as well as prevent the curtailment of essential veterans programs and services.

It is also our view that the elevated baseline established by these necessary dollars will contribute to addressing the long-term health care needs of our rapidly aging veteran population within the context of congressional deliberations for VA funding in FY 2001 and out-years.

Once again, the VFW salutes your vision, compassion, and political courage in providing an additional $1.7 billion for VA health care. We of the VFW look forward to working with you and other members of Congress on behalf of all veterans in need. You have shown yourself to be a true champion in your service.

Sincerely,

Dennis M. Cullinan,
Director, National Legislative Service.

Mr. Speaker, I include for the RECORD the following letter from the American Legion:

THE AMERICAN LEGION,
Hon. JAMES T. WALSH,
Chairman, Appropriations Subcommittee on VA, HUD, and Independent Agencies, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your hard work and your considerable efforts in putting together a difficult appropriations bill. The American Legion understands and deeply appreciates the Subcommittee's efforts to adequately fund the Department of Veterans Affairs in FY 2000.

Clearly, you and your colleagues recognized the necessity of VA's budgetary request. You heard the deafening cries of the entire veterans' community to increase funding for medical care. No other group of Americans deserves the thanks of a grateful Nation that those service-connected veterans. For many of them, VA is their life-support system. To 'nickel and dime' this nation's health care budget would be criminal; the ultimate victims are those who have paid the greatest price for freedom.

The American Legion applauds full Committee's decision to increase VA Medical Care of $1.7 billion above current funding. This will prevent the adverse impact under funding would have on the quality, timeliness, and availability of health care for service-connected veterans across the country.

But before the ink is dry, we need to begin planning for FY 2001. It is extremely important that as the FY 2001 budget cycle approaches that the new, adjusted VA medical care baseline be established at $19 billion. To regress to the spending caps contained in the Balanced Budget Act of 1997, would work to the disadvantage of veterans and would retard realistic spending recommendations. VA, just like the rest of the health care industry, has fixed costs associated with providing care and is faced with the burden of addressing increases in inflation, disaster assistance, and other internal and external economic factors that must be considered annually.

There are two still very funding areas where the mark up falls short. As the House begins debate on this bill, The American Legion urges consideration to bringing medical construction (Section 18 L 150) and the State Home Care Grants Program construction funding to acceptable levels.

The ever-increasing demand for VA long-term care services. The State Home Care Grants Program allows the States to help assist in meeting this demand for such care in local communities.

Thank you again for your continued leadership on behalf of America's veterans and their families.

Sincerely,

HAROLD L. "BUTCH" MILLER,
National Commander.

Lastly, Mr. Speaker, I would like to enter the following letter also for the RECORD. This is a letter that I received on July 22, just 2 weeks ago, from the Democrats of the Committee on Veterans' Affairs:

HAROLD L. "BUTCH" MILLER,
National Commander.

Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: For many months, Members of your service organizations and others have been sounding the alarm about funding for the Department of Veterans Affairs (VA) health care system. VA officials already acknowledge problems VA will have in delivering comprehensive health care it provides are at stake.

The American Legion is aware of the need to reduce waiting times in the Department of Veterans Affairs (VA) health care system. As the VA included in the fiscal year 2000 budget resolution conference agreement. Our veterans' health care system and the essential care it provides are at stake.

Sincerely,

Lauris Evans; Luis Gutierrez; Corrine Brown; Mike Doyle; Silvestre Reyes; Ciro Rodriguez; Ronnie Shows; Julia Carson; Baron Hill; John Dingell; Jan Schakowsky; John Tierney; Carolos Rosenthal; Peter Peterson; Shelly Berkley; Tom Udall; Dave

Footnotes at end of letter.
Bonior; Bill Pascrell; Dennis Moore; Elijah Cummings.

FOOTNOTES

1 VISN Directors from Central Plains (VISN 14), Florida and Puerto Rico (VISN 8), New York and New Jersey (VISN 20), South Central (VISN 16), and the Northwest (VISN 20) accompanied the Under Secretary for Health. A recently retired director from the Southwest (VISN 18) also provided testimony.

2 As proposed in the FY 2000 Budget Submission. A retired VISN director estimates that layoffs could impact up to 20,000 FTE; the former USH asserts that the need to cut will become greater over time.

"I just as the Committee on Ways and Means recently adopted a tax measure consistent with the budget resolution conference agreement, we strongly believe the $1.7 billion increase in VA discretionary spending that is part of the same agreement should be enacted."

Now, if it was good enough for them 2 weeks ago, Mr. Speaker, I submit it should be good enough for them today.

So with that I will close my comments and thank the courtesy of the Chair, thank my distinguished colleague, who unfortunately was not able to be here with us this evening, and look forward to passing the rule and completing work on this in September.

MS. PRYCE of Ohio. Mr. Speaker, I urge my colleagues to support this fair and open rule and to vote "yes" on the previous question.

Mr. EVANS. Mr. Speaker, I rise today in opposition to the rule on H.R. 2688. Last night, I joined CHET EDWARDS, DEBBIE STABENOW, and DAVID OBENY in asking our Rules Committee to support a waiver to allow Mr. EDWARDS' amendment to add $730 million for veterans' medical care in fiscal year 2000 to be considered by this House. Had the amendment been made in order, we could have been assured it would be debated and voted on by the full House.

To offset the cost of providing the additional funds for veterans' health care, the Edwards amendment would have delayed implementation of a proposed cut in the capital gains tax, a part of the nearly $800 billion tax cut passed by the House. The Edwards amendment was considered earlier by the House Appropriations Committee and was defeated by a one-vote margin on a 26–25 straight party-line vote.

Earlier this year, the Committee on Veterans Affairs had a contentious debate on next year's funding for VA health care. At that time, I was denied the opportunity to offer an amendment delaying implementation of a proposed cut in the capital gains tax, part of the nearly $800 billion tax cut passed by the House. The Edwards amendment was considered earlier by the House Appropriations Committee and was defeated by a one-vote margin on a 26–25 straight party-line vote.

Mr. Speaker, veterans' service organizations have steadfastly supported efforts to add funds to the VA health care budget. The American Legion, Disabled Veterans of America, and Paralyzed Veterans of America sent letters to the Rules Committee in support of the Edwards amendment being made in order. A coalition of veterans' groups had earlier supported efforts to add funds to the VA health care budget. The coalition of veterans' groups had earlier supported efforts to add funds to the VA health care budget.

The last few years in VA health care system have been pivotal. VA has reformed its delivery system, bringing its acute care system into line with modern health care practices. But clinicians and patients alike have begun to cite waiting times and other problems with access to care that have been affected by this sea change. Recognizing the urgent need for funding, I, and other Democratic Members, have sought to provide VA with sufficient funding for its operations. Our meetings ultimately succeeded in securing a revised budget request offered by Vice-President Gore to add a billion dollars to next year's appropriation for VA health care and construction. Our efforts with the Republicans in this body, however, have not been as successful.

This latest vote against making the Edwards amendment in order is "deja vu all over again". We only asked the Republican majority to give us a chance for an honest debate on where veterans fit into our Nation's priorities. The priority of Congressional Republicans is obviously cutting capital gains taxes and not providing added funding for veterans programs. I can understand why Republicans want to avoid an open debate on funding for veterans programs vs. capital gains tax breaks.

Unfortunately there will be real consequences for this partisanship. VA needs this money, and I am convinced that given the opportunity the House would pass the Edwards amendment. I believe that VA's progress in implementing some positive and necessary changes has come at a price. Shifting health care practice styles are eroding some of the VA's best programs—its long-term care programs, its rehabilitative and extended care for our seriously disabled veterans, and its mental health care treatment for veterans with Post-Traumatic Stress Disorder or substance abuse issues.

We are now at a point where we must re-store certain programs to their past distinction. Congress must take the initiative to fund VA and allow it to re-build its most excellent programs—those that serve the veterans who were injured physically or psychically on the battleground—those that have borne the battle. The Edwards amendment would have allowed VA to move away from the Republican majority has, once again, seen fit to thwart an honest debate on National priorities.

Ms. SCHAKOWSKY. Mr. Speaker, when the House of Representatives returns next month, it will consider the VA–HUD appropriations bill. It is critical that we include adequate funding to meet the housing and community development needs of the country. On any given night, there are 600,000 homeless persons—including children and veterans—living on our streets. There are another 5.3 million families who are one payment away from the brink. This nation can't move forward if it fails to invest in the housing stability that is necessary for family members to succeed at work and in school.

Unfortunately, the action of the House Appropriations Committee last week weakens our housing and community development programs. Rather than building on the success of our economy by extending its rewards to more and more people, the Committee moved us backwards by failing to fully fund the President's FY 2000 HUD budget request. The bill cuts CDBG, HOME, HOPWA, Public Housing Operating Fund, and Homelessness Assistance, among others, and does not fund a single new housing voucher.

I am concerned that in this period of extraordinary economic prosperity that Congress continues to purport that we are unable to fund modest expansions of programs that improve the housing and economic opportunities of low wage earners and people on fixed incomes. The substantial tax cuts that are under consideration in the House will not improve the housing circumstances of low income people, but more housing assistance will.

We urge you to vote against the HUG–VA–IA Appropriations bill to the full House. We are capable of doing much better.
Right to receive Medicare coverage made possible by the Medicare Act. This Act was bipartisan and was enacted to help veterans who are Medicare eligible. It was a response to the misguided policy of VA that required veterans to pay for Medicare coverage. This Act was passed in 1981 and has saved thousands of veterans from having to pay for Medicare. However, some veterans are still left out because of the complexity of the Medicare Act. The VA has made it difficult for veterans to understand and enroll in Medicare. This is unacceptable and must be addressed.

In conclusion, it is clear that the VA is not doing enough to help veterans. The VA needs to do better in helping veterans with their medical needs. The VA needs to simplify its processes and make it easier for veterans to understand their benefits. The VA needs to provide more resources and manpower to its medical facilities. The VA needs to be held accountable for its actions and be transparent in its dealings with veterans. We, as Congress, need to ensure that the VA is doing its job and is providing the best care possible to our veterans.
men and women to defend our liberty. Now they are asking us to defend their health care, and we cannot in good conscience turn our backs on them.

They are asking us to defend their health care, and we cannot in good conscience turn our backs on them.

The question is on ordering the previous question. Let us do right by our veterans and honor the promise we made.

The Sergeant at Arms will notify absent Members.

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

The Speaker pro tempore announced that the ayes appeared to have it.
(Mr. Pastor) each will control 10 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. Taylor).

Mr. Taylor of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to present the conference report on the FY 2000 Legislative Branch Appropriations bill, H.R. 1905. I would like to thank the gentleman from Arizona (Mr. Pastor), our ranking member, all members of the committee and our staff for the work they have done on this.

Mr. Speaker, I would like to summarize the conference report by pointing out that the $2.4 billion in new budget authority to the Congress and support agencies and offices of the legislative branch, this is $165 million below the amount requested in the President's budget. Our bill is 6.3 percent below the President's request. It is 4.8 percent below the amount that was appropriated last year. It is almost 6 percent below the amount appropriated in 1995.

We have also declined the number of FTEs almost 16 percent, almost 4,400 fewer jobs than we had 5 years ago. This has been hard work. We owe our predecessors a lot of the credit, but this committee has done well.

In summary, the bill I think has reduced this area of government, but it is adequate for our purposes. I urge the adoption of the conference report.

Mr. Speaker, I include the following for the Record.
### Title I - Congressional Operations
#### Senate Expense Allowances

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<th>Description</th>
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<td><strong>Office of the Vice President</strong></td>
<td>1,059</td>
<td>1,721</td>
<td></td>
<td>1,721</td>
<td>+82</td>
</tr>
<tr>
<td><strong>Office of the President Pro Tempore</strong></td>
<td>1,422</td>
<td>2,436</td>
<td></td>
<td>2,644</td>
<td>+206</td>
</tr>
<tr>
<td><strong>Office of the Majority and Minority Leaders</strong></td>
<td>1,418</td>
<td>1,834</td>
<td></td>
<td>1,834</td>
<td>+215</td>
</tr>
<tr>
<td><strong>Committee on Appropriations</strong></td>
<td>6,050</td>
<td>6,525</td>
<td></td>
<td>6,525</td>
<td>+475</td>
</tr>
<tr>
<td><strong>Conference committees</strong></td>
<td>2,184</td>
<td>2,264</td>
<td></td>
<td>2,264</td>
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<tr>
<td><strong>Office of the Secretaries of the Conference of the Majority and the Senate</strong></td>
<td>570</td>
<td>590</td>
<td></td>
<td>590</td>
<td>+20</td>
</tr>
<tr>
<td><strong>Salaries and expenses</strong></td>
<td>87,233</td>
<td>92,506</td>
<td></td>
<td>89,958</td>
<td>+2,735</td>
</tr>
<tr>
<td><strong>Office of the Legislative Counsel of the Senate</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Office of Senate Legal Counsel</strong></td>
<td>3,753</td>
<td>3,901</td>
<td></td>
<td>3,901</td>
<td>+148</td>
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<tr>
<td><strong>Salaries and expenses</strong></td>
<td>1,004</td>
<td>1,035</td>
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<td>1,035</td>
<td>+31</td>
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<tr>
<td><strong>Expenses of the Sergeant at Arms and Doorkeeper of the Senate,</strong></td>
<td>12</td>
<td>12</td>
<td></td>
<td>12</td>
<td></td>
</tr>
<tr>
<td><strong>Contingent Expenses of the Senate</strong></td>
<td>66,800</td>
<td>71,504</td>
<td></td>
<td>71,504</td>
<td>+4,704</td>
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<tr>
<td><strong>Inquiries and Investigations</strong></td>
<td>370</td>
<td>370</td>
<td></td>
<td>370</td>
<td></td>
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<tr>
<td><strong>Secretary of the Senate</strong></td>
<td>1,511</td>
<td>1,511</td>
<td></td>
<td>1,511</td>
<td></td>
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<tr>
<td><strong>Sergeant at Arms and Doorkeeper of the Senate</strong></td>
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<td>70,897</td>
<td></td>
<td>70,897</td>
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<td>5,000</td>
<td>8,655</td>
<td></td>
<td>8,655</td>
<td>+5,655</td>
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<td><strong>Senators' Official Personnel and Office Expense Account</strong></td>
<td>239,168</td>
<td>257,703</td>
<td></td>
<td>245,703</td>
<td>+6,547</td>
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<td><strong>Official Mail Costs</strong></td>
<td>300</td>
<td>300</td>
<td></td>
<td>300</td>
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<td><strong>Total, contingent expenses of the Senate</strong></td>
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<td>420,040</td>
<td></td>
<td>394,404</td>
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<td><strong>House Leadership Offices</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Salaries and Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Office of the Speaker</strong></td>
<td>1,666</td>
<td>1,748</td>
<td></td>
<td>1,740</td>
<td>+54</td>
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<tr>
<td><strong>Office of the Majority Floor Leader</strong></td>
<td>1,652</td>
<td>1,712</td>
<td></td>
<td>1,705</td>
<td>+53</td>
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<td><strong>Office of the Minority Floor Leader</strong></td>
<td>1,675</td>
<td>2,071</td>
<td></td>
<td>2,071</td>
<td>+396</td>
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<tr>
<td><strong>Office of the Majority Whip</strong></td>
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<td>1,423</td>
<td></td>
<td>1,423</td>
<td>+380</td>
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<td><strong>Office of the Majority Whip</strong></td>
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<td>1,060</td>
<td></td>
<td>1,057</td>
<td>+37</td>
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<tr>
<td><strong>House Leadership Offices</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Gratuitues, deceased Members of Congress</strong></td>
<td>137</td>
<td></td>
<td></td>
<td></td>
<td>-137</td>
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<td><strong>Gratuitues, deceased Members, FY 1999</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(137) (+137)</td>
</tr>
<tr>
<td><strong>Salaries and Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Speaker's Office for Legislative Floor Activities</strong></td>
<td>397</td>
<td>410</td>
<td>408</td>
<td>408</td>
<td>+8</td>
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<td><strong>Republican Steering Committee</strong></td>
<td>736</td>
<td>757</td>
<td>757</td>
<td>757</td>
<td>+19</td>
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<td><strong>Republican Conference</strong></td>
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<td>1,244</td>
<td>1,244</td>
<td>1,244</td>
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</table>
### H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 — continued
(Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<tr>
<td>Democratic Steering and Policy Committee</td>
<td>1,296</td>
<td>1,343</td>
<td>1,337</td>
<td>1,337</td>
<td>1,337</td>
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<td>Democratic Caucus</td>
<td>842</td>
<td>686</td>
<td>964</td>
<td>964</td>
<td>954</td>
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<tr>
<td>Nine minority employees</td>
<td>1,190</td>
<td>1,229</td>
<td>1,218</td>
<td>1,218</td>
<td>1,218</td>
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<td>Training and Development Program:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Majority</td>
<td>290</td>
<td>290</td>
<td>290</td>
<td>290</td>
<td>290</td>
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<tr>
<td>Minority</td>
<td>290</td>
<td>290</td>
<td>290</td>
<td>290</td>
<td>290</td>
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<tr>
<td>Undistributed</td>
<td>-142</td>
<td>-142</td>
<td>-142</td>
<td>-142</td>
<td>-142</td>
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<td>Subtotal, House Leadership Offices</td>
<td>13,117</td>
<td>14,251</td>
<td>14,060</td>
<td>14,202</td>
<td>14,060</td>
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<td>Members' Representational Allowances including Members' Clerk Hires, Official Expenses of Members, and Official Mail:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Expenses</td>
<td>365,279</td>
<td>421,403</td>
<td>365,279</td>
<td>413,578</td>
<td>406,279</td>
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<tr>
<td>Committee Employees:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>Standing Committees, Special and Select (except Appropriations)</td>
<td>39,743</td>
<td>96,570</td>
<td>93,878</td>
<td>93,878</td>
<td>93,878</td>
</tr>
<tr>
<td>Committee on Appropriations (including studies and investigations)</td>
<td>19,373</td>
<td>22,255</td>
<td>21,085</td>
<td>21,308</td>
<td>21,085</td>
</tr>
<tr>
<td>Subtotal, Committee employees</td>
<td>109,116</td>
<td>118,825</td>
<td>114,973</td>
<td>115,188</td>
<td>114,973</td>
</tr>
<tr>
<td>Salaries, Officers and Employees:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of the Clerk</td>
<td>15,365</td>
<td>15,831</td>
<td>14,881</td>
<td>14,881</td>
<td>14,881</td>
</tr>
<tr>
<td>Office of the Sergeant at Arms</td>
<td>3,501</td>
<td>3,812</td>
<td>3,748</td>
<td>3,748</td>
<td>3,748</td>
</tr>
<tr>
<td>Office of the Chief Administrative Officer</td>
<td>57,211</td>
<td>60,112</td>
<td>57,269</td>
<td>57,269</td>
<td>57,289</td>
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<tr>
<td>Y2K emergency supplemental (P.L. 105-277)</td>
<td>8,373</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of Inspector General</td>
<td>3,053</td>
<td>4,062</td>
<td>3,926</td>
<td>3,926</td>
<td>3,926</td>
</tr>
<tr>
<td>Office of General Counsel</td>
<td>840</td>
<td>840</td>
<td>840</td>
<td>840</td>
<td>840</td>
</tr>
<tr>
<td>Office of the Chaplain</td>
<td>1,106</td>
<td>1,172</td>
<td>1,172</td>
<td>1,172</td>
<td>1,172</td>
</tr>
<tr>
<td>Office of the Parliamentarian</td>
<td>904</td>
<td>961</td>
<td>961</td>
<td>961</td>
<td>961</td>
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<tr>
<td>Compilation of precedents of the House of Representatives</td>
<td>202</td>
<td>211</td>
<td>211</td>
<td>211</td>
<td>211</td>
</tr>
<tr>
<td>Office of the Law Revision Council of the House</td>
<td>1,912</td>
<td>2,045</td>
<td>2,045</td>
<td>2,045</td>
<td>2,045</td>
</tr>
<tr>
<td>Office of the Legislative Counsel of the House</td>
<td>4,980</td>
<td>5,065</td>
<td>5,065</td>
<td>5,065</td>
<td>5,065</td>
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<tr>
<td>Corrections Calendar Office</td>
<td>796</td>
<td>829</td>
<td>825</td>
<td>825</td>
<td>825</td>
</tr>
<tr>
<td>Other authorized employees</td>
<td>191</td>
<td>168</td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Former Speakers, Office of the Attending Physician</td>
<td>191</td>
<td>463</td>
<td>463</td>
<td>463</td>
<td>463</td>
</tr>
<tr>
<td>Technical Assistants, Office of the Attending Physician</td>
<td>(191)</td>
<td>(205)</td>
<td>(205)</td>
<td>(205)</td>
<td>(205)</td>
</tr>
<tr>
<td>Subtotal, Salaries, Officers and Employees</td>
<td>96,334</td>
<td>94,533</td>
<td>90,150</td>
<td>90,633</td>
<td>90,150</td>
</tr>
<tr>
<td>Allowances and Expenses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies, materials, administrative costs and Federal tort claims</td>
<td>2,575</td>
<td>2,555</td>
<td>2,741</td>
<td>2,741</td>
<td>2,741</td>
</tr>
<tr>
<td>Official mail for committees, leadership offices, and administrative offices of the House</td>
<td>410</td>
<td>410</td>
<td>410</td>
<td>410</td>
<td>410</td>
</tr>
<tr>
<td>Government contributions</td>
<td>132,520</td>
<td>132,333</td>
<td>131,956</td>
<td>131,956</td>
<td>131,956</td>
</tr>
<tr>
<td>Miscellaneous items</td>
<td>680</td>
<td>876</td>
<td>876</td>
<td>876</td>
<td>876</td>
</tr>
<tr>
<td>Subtotal, Allowances and expenses</td>
<td>136,566</td>
<td>136,074</td>
<td>135,422</td>
<td>135,422</td>
<td>135,422</td>
</tr>
<tr>
<td>Total, salaries and expenses</td>
<td>740,344</td>
<td>785,186</td>
<td>736,884</td>
<td>739,019</td>
<td>760,684</td>
</tr>
<tr>
<td>Total, House of Representatives</td>
<td>740,481</td>
<td>785,186</td>
<td>736,884</td>
<td>769,019</td>
<td>760,684</td>
</tr>
</tbody>
</table>

### JOINT ITEMS

| Joint Economic Committee | 3,096 | 3,200 | 3,200 | 3,200 | 3,200 | +104 |
| Joint Committee on Printing | 352 | | | | | |
| Joint Committee on Taxation | 5,985 | 6,256 | 6,186 | 6,458 | 6,458 | +491 |
| Trade Deficit Review Commission | 2,000 | | | | | |
| Joint Committee on the Library | | | | | | |
| Office of the Attending Physician | | | | | | |
| Medical supplies, equipment, expenses, and allowances | 1,415 | 1,896 | 1,896 | 1,896 | 1,896 | +483 |

### Capitol Police Board

| Capitol Police |

| Salaries: |

| Sergeant at Arms of the House of Representatives | 37,037 | 38,347 | 37,725 | 38,848 | 37,725 | +688 |
| Sergeant at Arms and Doorkeeper of the Senate | 38,807 | 42,350 | 40,770 | 42,125 | 40,770 | +996 |
| Subtotal, salaries | 76,844 | 81,197 | 78,501 | 80,973 | 78,501 | +1,557 |
| General expenses. | 6,237 | 8,690 | 8,711 | 7,913 | 6,574 | +337 |
| Emergency security enhancements (P.L. 105-277) | 106,782 | | | | | -106,782 |
| Subtotal, Capitol Police | 169,883 | 90,197 | 85,212 | 88,696 | 85,075 | -104,768 |
| Capitol Guide Service and Special Services Office | 2,195 | 2,424 | 2,293 | 2,336 | 2,293 | +98 |
| Statements of Appropriations | 30 | 30 | 30 | 30 | 30 | |
| Total, Joint Items | 204,916 | 103,995 | 98,821 | 103,116 | 98,952 | -105,964 |
### H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 — continued

( Amounts in thousands )

<table>
<thead>
<tr>
<th>OFFICE OF COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CONGRESSIONAL BUDGET OFFICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARCHITECT OF THE CAPITOL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capitol buildings, salaries and expenses</td>
</tr>
<tr>
<td>Capitol Visitor Center, Emerg sup (P.L. 105-277)</td>
</tr>
<tr>
<td>Capitol grounds</td>
</tr>
<tr>
<td>Senate office buildings</td>
</tr>
<tr>
<td>House office buildings</td>
</tr>
<tr>
<td>Capitol Power Plant</td>
</tr>
<tr>
<td>Net subtotal, Capitol Power Plant</td>
</tr>
<tr>
<td>Net subtotal, total</td>
</tr>
<tr>
<td>Total, Architect of the Capitol</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>LIBRARY OF CONGRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
</tr>
<tr>
<td>Congressional Research Service</td>
</tr>
<tr>
<td>Government Printing Office</td>
</tr>
<tr>
<td>Congressional printing and binding</td>
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<td>Total, titles I, Congressional Operations</td>
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<th>TITLE II - OTHER AGENCIES</th>
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<tbody>
<tr>
<td>BOTANIC GARDEN</td>
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<tr>
<td>Salaries and expenses</td>
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<tr>
<td>Library of Congress</td>
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<tr>
<td>Salaries and expenses</td>
</tr>
<tr>
<td>Authority to spend receipts</td>
</tr>
<tr>
<td>Net subtotal, Salaries and expenses</td>
</tr>
<tr>
<td>Copyright Office, salaries and expenses</td>
</tr>
<tr>
<td>Authority to spend receipts</td>
</tr>
<tr>
<td>Net subtotal, Copyright Office</td>
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<tr>
<td>Books for the blind and physically handicapped, salaries and expenses</td>
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<tr>
<td>Furniture and furnishings</td>
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<td>Total, Library of Congress (except CRS)</td>
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</table>

<table>
<thead>
<tr>
<th>ARCHITECT OF THE CAPITOL</th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Library Buildings and Grounds</td>
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<tr>
<td>Structural and mechanical care</td>
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<tr>
<td>Government Printing Office</td>
</tr>
<tr>
<td>Office of Superintendent of Documents</td>
</tr>
<tr>
<td>Salaries and expenses</td>
</tr>
<tr>
<td>Government Printing Office Revolving Fund</td>
</tr>
<tr>
<td>Salaries and expenses</td>
</tr>
<tr>
<td>GPO revolving fund</td>
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<td>Total, Government Printing Office</td>
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<table>
<thead>
<tr>
<th>GENERAL ACCOUNTING OFFICE</th>
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<tbody>
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<td>Salaries and expenses</td>
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<td>Offsetting collections</td>
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<tr>
<td>total, General Accounting Office</td>
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<tr>
<td>Total, Other agencies</td>
</tr>
<tr>
<td>Grand total</td>
</tr>
<tr>
<td>Fiscal Year</td>
</tr>
<tr>
<td>-------------</td>
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<tr>
<td>FY 1999</td>
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<tr>
<td>FY 2000</td>
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<tr>
<td>H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 — continued</td>
</tr>
<tr>
<td>(Amounts in thousands)</td>
</tr>
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**TITLE I - CONGRESSIONAL OPERATIONS**

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<tr>
<th>Category</th>
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<th>FY 2000</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. enacted</th>
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</thead>
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<td>517,500</td>
<td>489,406</td>
<td>489,406</td>
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<tr>
<td>House of Representatives</td>
<td>740,481</td>
<td>755,196</td>
<td>739,819</td>
<td>760,884</td>
<td>+20,403</td>
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<tr>
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<td>103,955</td>
<td>98,921</td>
<td>103,116</td>
<td>-105,664</td>
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<td>Office of Compliance</td>
<td>2,086</td>
<td>2,076</td>
<td>2,000</td>
<td>2,000</td>
<td>-86</td>
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<td>Congressional Budget Office</td>
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<td>28,621</td>
<td>28,521</td>
<td>28,221</td>
<td>26,221</td>
</tr>
<tr>
<td>Architect of the Capitol</td>
<td>269,740</td>
<td>263,450</td>
<td>123,742</td>
<td>203,545</td>
<td>-94,112</td>
</tr>
<tr>
<td>Library of Congress: Congressional Research Service</td>
<td>87,124</td>
<td>71,255</td>
<td>70,940</td>
<td>71,244</td>
<td>-4,120</td>
</tr>
<tr>
<td>Congressional printing and binding, Government Printing Office</td>
<td>74,495</td>
<td>82,214</td>
<td>73,577</td>
<td>73,577</td>
<td>-668</td>
</tr>
</tbody>
</table>

**Total, title I, Congressional operations** | 1,876,360 | 1,852,557 | 1,135,165 | 1,742,255 | -185,462 |

**TITLE II - OTHER AGENCIES**

<table>
<thead>
<tr>
<th>Category</th>
<th>FY 1999</th>
<th>FY 2000</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. enacted</th>
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<tbody>
<tr>
<td>Botanic Garden</td>
<td>3,052</td>
<td>3,972</td>
<td>3,538</td>
<td>3,428</td>
<td>-373</td>
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<td>-18,186</td>
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<td>26,988</td>
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<td>29,988</td>
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<tr>
<td>General Accounting Office</td>
<td>359,268</td>
<td>387,048</td>
<td>371,181</td>
<td>382,298</td>
<td>379,000</td>
</tr>
</tbody>
</table>

**Total, title II, Other agencies** | 701,772 | 759,544 | 726,968 | 746,453 | -41,374 |

**Grand total** | 2,581,132 | 2,622,011 | 1,862,133 | 2,488,708 | -124,064 |
Mr. Speaker, I yield the balance of my time.

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

Mr. Speaker, before I yield back the balance of my time, I would like to take a few minutes to thank the Subcommittee on Legislative staff on both sides of the aisle. They worked very hard to get this bill done. I also would like to thank the chairman, who was very fair as we worked this bill through from subcommittee to conference. We worked in a bipartisan manner. I want to thank the gentle- man for doing that. I congratulate him on this conference.

I would also ask my colleagues to support and adopt the conference re- port.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I apologize, I had hoped to do this in a one minute today, but we did not have the time.

Mr. Speaker, as Members know, I had surgery, and I just did not want to go home without acknowledging the extra- ordinary service I was the beneficiary of, not just from the medical staff, the attending physician and his people, but in particular the nurses and corpsmen.

I will have to confess that under the stress of illness, I slipped a bit from my usual level of congeniality, so I may not have been entirely pleasurable company for the entire stay, and the skill and graciousness with which they ignored that and administered to me deserves some attention. So I want to just thank the attending physician, the cardiologist, Dr. Ferguson, the cardiac surgeon, we are very well served, and the young men and women in uniform who performed extraordinarily well.

Finally, I want to thank my col- leagues for a degree of graciousness, that probably would come as a surprise to people whose only knowledge of this place comes from the newspapers, but it would not be to any of us. Thank you.

Mr. PASTOR. Mr. Speaker, I urge an aye vote.

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

Mr. TAYLOR of North Carolina. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The SPEAKER pro tempore. Pursuant to the order of the House today, the previous question is ordered.

The question is on the conference re- port.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic de- vice, and there were—yeas 367, nays 49, not voting 17, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>367</td>
<td>49</td>
</tr>
<tr>
<td>17</td>
<td></td>
</tr>
</tbody>
</table>

A further message from the Senate by Mr. Lundregen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1568. An act to provide technical, financial, and procurement assistance to vet- eran owned small businesses, and for other purposes.

The message also announced that the Senate has passed a bill of the follow- ing title in which concurrence of the House is requested:

S. 1546. An act to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other pur- poses.
August 5, 1999

CONGRESSIONAL RECORD – HOUSE

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to have my name removed as a sponsor of the bill, H.R. 850.

The SPEAKER pro tempore. (Mr. PEASE. Is there objection to the request of the gentleman from Illinois?)

There was no objection.

Mr. RILEY. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of the bill, H.R. 1621.

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

There was no objection.

Mr. SCHUSTER. Mr. Speaker, I call up the conference report on the Senate bill (S. 507) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes and ask unanimous consent for its immediate consideration and that the conference report be considered as read and adopted.

The Clerk read the title of the Senate bill.

Mr. Speaker, I yield to the gentleman from Pennsylvania?

Mr. OBERSTAR. Reserving the right to object, Mr. Speaker, I am very pleased that we are bringing to the House a conference report on the Water Resources Development Act of 1999, a culmination of 3 years work of the Committee on Transportation and Infrastructure.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SHUSTER) for any comment that he may make.

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

Mr. SHUSTER. Mr. Speaker, I support this wonderful product.

Mr. Speaker, I rise in strong support of the conference report accompanying S. 507, the Water Resources Development Act of 1999.

This bill is a comprehensive authorization of the Water Resources Programs of the Army Corps of Engineers. It represents two and a half years of bi-partisan effort to preserve and develop the water infrastructure that is vital to the nation’s safety and economic well-being.

First, let me congratulate my colleagues on the Committee on Transportation and Infrastructure for their vision and tireless efforts in helping move this legislation. I want to give special thanks to committee ranking member Jim Oberstar, subcommittee chairman Sherry Boehlert, and subcommittee ranking member Bob Borski. Their leadership and contributions have been outstanding.

These members and the other House conferees from the committee provided invaluable assistance.

Mr. Speaker, in the 105th Congress, the House and Senate worked tirelessly to enact a Water Resources Development Act of 1998. Unfortunately, that bill did not become law, essentially because of the lingering controversies surrounding the American River in California.

This year we committed ourselves to moving a WRDA ’99, resolving any remaining issues, and charting a course for a WRDA 2000, as well.

I am proud to say we have delivered: first by passing a bill in April by a vote of 418 to 5 and second, by bringing this conference report to the floor today.

Mr. Speaker, S. 507 accomplishes three important objectives:

First, it reflects the committee’s continued commitment to improving the Nation’s water infrastructure.

Second, it responds to policy initiatives to modernize Corps of Engineers activities and to achieve programmatic reforms.

Third, and this is very important, it takes advantage of the Corps’ capabilities and recognizes evolving national priorities by expanding and creating new authorities for protecting and enhancing the environment.

S. 507 is a strong bipartisan bill. It reflects a balanced, responsible approach to developing water infrastructure, preserving and enhancing the environment and strengthening federal-state and local partnerships.

Several provisions merit particular attention and, in some cases, clarification:

We are modifying current cost-sharing requirements on shore protection and, as a result, expect the administration to budget accordingly for shore protection projects.

We are making several important changes to the Environmental Dredging Program authorized in section 312 of WRDA 1992. Section 312, as amended by section 205 of the Water Resources Development Act of 1996, created a partnership with the expectation that the Corps’ authority would supplement EPA CERCLA actions. We believe the Corps policy guidance letter no. 49 inappropriately attempts to limit opportunities for Corps participation at sites that could benefit from the section 312 program.

We are authorizing a new program for flood mitigation and riverine restoration, with 23 sites listed for priority consideration. One of those sites, Coachella Valley, Riverside California, includes a project for flood protection and environmental restoration at the delta area of the Whitewater River as it flows into the Salton sea. The $8.5 million project includes restoration of Salton Sea Wetlands. I thank Rep. Mary Bono for her efforts in sponsoring this provision.

Section 357 authorizes the locally preferred project for flood control along the Upper Jordan River, Utah, notwithstanding the Corps’
current policy regarding flows of less than 800 cubic feet per second. The conference included language regarding various secretarial determinations. These conditions, however, should not be interpreted in any way that could allow the 800 CFS policy to delay or block progress on implementation of the project. I thank Rep. Merrill Cook for his efforts in championing this project.

Section 101 authorizes a water supply and ecosystem restoration project for Howard Hanson Dam in Washington. Through the efforts of Rep. Jennifer Dunn, Rep. Norm Dicks, and others, we were made aware of the need to revise the current cost allocation in the bill to increase the Federal share to reflect additional costs relating to the Endangered Species Act. In response, the conference included a specific statement of managers regarding the need to increase the Federal cost share. It is also our committee’s intention to follow this issue closely. We encourage the Corps to complete its ESA negotiations expeditiously and to provide us with a revised cost reallocation in a timely manner.

In closing, I wish to commend my colleagues, Senator John Chafee, the conference chair, and all the other senate conferees, as well as the Senate staff.

I strongly urge my colleagues to support the conference report.

I also want to commend the Gentleman from South Dakota, Mr. Thune, for his hard work on certain provisions in this bill. At his request, the House included and the conference committee retained Sec. 446, a study of the watershed in Day County, South Dakota and Sec. 555, which requires the Corps of Engineers to complete a study and make recommendations on how to resolve sedimentation build up in Lake Sharpe caused by the Oahe Dam.

Both of these provisions are aimed at providing solutions to vexing flooding problems each area faces. The quality of life for South Dakotans living in Day County and in the Pierre and Fort Pierre vicinity should not have to wonder when solutions will be posed to address the flooding they have experienced. These disputes will take us closer to results.

I also am aware of the Gentleman’s interest in Title VI of this bill. Legislation similar to Title VI was enacted into law last Congress as a part of the Omnibus Emergency and Supplemental Appropriations Act. It status, however, has been uncertain.

The reason for that uncertain status is that Sec. 505 of H.R. 2605, the Energy and Water Appropriations Act for Fiscal Year 2000, would have deauthorized this law. Title VI of this legislation restores this program’s status to where it was after last year’s passage of the Omnibus bill.

I realize through discussions I have had with the Gentleman from South Dakota that this Act is a major priority for his state, and in particular for the Governor of South Dakota, William Janklow. I am pleased we were able to accommodate their interests in this bill.

Mr. OBERSTAR. Mr. Speaker, I am delighted that the committee has completed an arduous task and compliment the chairman on his steadfast leadership.

Mr. MATSUI. Mr. Speaker, I would like to thank the Chairman, Mr. SHUSTER and the Ranking Member, Mr. OBERSTAR, as well as the Chairman and Ranking Member of the Subcommittee, Mr. Boehlert and Borski, for their efforts to secure additional flood protection for Sacramento. Additionally, I am grateful to my colleague from California who sits on the Subcommittee, Mrs. Tauscher, who has been extremely helpful in working toward a consensus on this issue. I extend a sincere thank you as well to Senator Boxer for her tireless work in the Senate and role as a conferee in providing countless efforts to find resolution on this issue.

Mr. Speaker, with nowhere 85-year level of flood protection, no other city of its size is as defenseless to flooding as Sacramento. In a study completed by the Army Corps of Engineers, Sacramento ranked worst among some of the most flood prone cities in America. Cities such as Kansas City, New Orleans, Santa Ana, Omaha and St. Louis, many of which have smaller populations than Sacramento, were found to have much greater levels of flood protection—more than 500-year in most cases.

I ask you to consider the catastrophic consequences a flood would pose to the Sacramento metropolitan area and Northern California. The resulting loss of life, proper damage, economic repercussions and health and safety impacts would be staggering and like no flood damage this nation has ever seen. More than 600,000 people in Sacramento live within the flood boundary. This flood area contains more than $37 billion in property, including the California State Capitol, six major hospitals, 26 nursing home facilities, over 100 schools, and approximately 160,000 homes and apartments. The area contains headquarters for many major companies, as well as many banks and manufacturing facilities. Three major highway systems that serve as critical links throughout the surrounding region would be disrupted for an indefinite period of time. Electric, sewer and water systems would be out of service and hazardous and chemical waste vessels would break loose and pose health, safety, and environmental threats to the region.

A 500-year flood in Sacramento would far surpass total damages the 10 states in the 1993 mid-western floods incurred. Sacramento knows from experience that such an event is not hypothetical. In 1993, Sacramento at the brink of such catastrophe. Operators of the region’s flood control facilities estimated that just one additional inch of rain would have resulted in major flooding.

Given the perilous situation confronting the region, I am disappointed that the conference did not adopt the Senate language pertaining to the American River, favoring instead the insufficient language contained in the House bill. This language provides only incremental improvements to Sacramento’s flood control facilities. The provisions will correct original design deficiencies of Folsom Dam by installing new river outlets and modifying existing outlets. These additions will allow Dam operators to optimize Folsom Dam performance by releasing more water faster and earlier during storms and would increase the amount of temporary storage space needed in anticipation of bad weather. The modifications will increase Sacramento’s level of flood protection to approximately 135 years, a step in the right direction, yet far short of the level of flood protection needed to protect Sacramento against catastrophic flooding, and far short of the protections enjoyed by most other major river cities.

I am thankful however, that the conferences recognized these inadequacies and have directed the Corps of Engineers to complete further studies by March 1, 2000 and report back to the Congress on additional steps that may improve the level of protection for Sacramento.

Mr. Speaker, the flood threat confronting my constituents clearly is the most pressing public safety issue facing the community. Although this Congress was unable to find resolution and incorporate provision capable of providing Sacramento with a level of protection it must have, the measures included in this bill represent a key step required to advance our needs for future work on this issue. I remain grateful to the Members on the Committee and those who were conferees for their patience in dealing with this issue. I look forward to working with them in the coming months on resolution to the flood threat facing Sacramento in preparation of the next WRDA.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania (Mr. Shuster)?

There was no objection.

The SPEAKER pro tempore. Without objection, the conference report is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2724) to make technical corrections to the Water Resources Development Act of 1999.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection. The Clerk read the bill, as follows:

SEC. 101. APPROPRIATIONS AUTHORIZATIONS FOR FISCAL YEAR 2000.

(a) FEDERAL AID IN ILLINOIS.

(1) in paragraph (33) by striking subsection (e)(1) and inserting: "(e)(1) by striking subsection (e)(1) and inserting:"

(2) in paragraph (34) by striking "$10,000,000" and inserting "$20,000,000"; and

(3) in paragraph (35) by striking "City of North Hudson" and inserting "for the North Hudson Sewerage Authority".

Mr. Speaker, the flood threat confronting my constituents clearly is the most pressing public safety issue facing the community. Although this Congress was unable to find resolution and incorporate provision capable of providing Sacramento with a level of protection it must have, the measures included in this bill represent a key step required to advance our needs for future work on this issue. I remain grateful to the Members on the Committee and those who were conferees for their patience in dealing with this issue. I look forward to working with them in the coming months on resolution to the flood threat facing Sacramento in preparation of the next WRDA.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania (Mr. Shuster)?

There was no objection.

The SPEAKER pro tempore. Without objection, the conference report is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2724) to make technical corrections to the Water Resources Development Act of 1999.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection. The Clerk read the bill, as follows:

H.R. 2724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENVIRONMENTAL INFRASTRUCTURE.

(a) JACKSON COUNTY, MISSISSIPPI.—Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended:

(1) by striking subsection (a)(1) and inserting:

"(1) $20,000,000 for the project described in subsection (c)(5); and"

(2) by inserting subsection (c)(5) and inserting:

"(5) JACKSON COUNTY, MISSISSIPPI.—Provisions for an alternative water supply and a project for the elimination or control of combined sewer overflows for Jackson County, Mississippi;";

(b) ELIZABETH AND NORTH HUDSON, NEW JERSEY.—Subsection (f) of section 219 of the Water Resources Development Act of 1992 is amended:

(1) in paragraph (33) by striking "$20,000,000" and inserting "$10,000,000"; and

(2) in paragraph (34) by striking "$10,000,000" and inserting "$20,000,000"; and

(3) in paragraph (35) by striking "City of North Hudson" and inserting "for the North Hudson Sewerage Authority".

August 5, 1999

CONGRESSIONAL RECORD — HOUSE

H7433
The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and 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 a bill of the following title in which concurrence of the House is requested:

S. 1467. An act to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

EXTENSION OF AIRPORT IMPROVEMENT PROGRAM
Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1467) to extend the funding levels for aviation programs for 60 days, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, under my reservation. I yield to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY asked and was given permission to revise and extend his remarks.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me and let me apologize to the House ahead of time for the length of time of this reservation but this will in fact save time by avoiding the necessity to use a rule.

Mr. Speaker, this process will have the unfortunate but completely avoidable effect of shutting down the Airport Improvement Program. On Saturday, the authorization for the airport program, AIP, will expire and the program will shut down for the rest of this fiscal year unless an extension is provided. S. 1467, as passed by the Senate, would provide the simple extension needed to keep this program afloat.

Nonetheless, this process makes in order a motion to amend that simple extension with the text of AIP-21, the multiyear FAA reauthorization bill that is replete with controversial provisions, including taking $39 billion in spending off budget, airport slot extensions at O'Hare and National Airports, and other matters that will not be easily resolved. Since we know that no conference on the FAA reauthorization could possibly be completed by tomorrow, in fact the Senate has not even passed their version of the reauthorization bill, adoption of the pending motion to continue S. 1467 will have the effect of shutting down the AIP program.

Mr. Speaker, last year the Committee on Appropriations sought to provide a full year of funding at $1.95 billion for the AIP program for fiscal 1999. We were denied in that effort by authors who insisted on less than a full year's funding.

We have now had two short-term extensions of the AIP program since the fiscal 1999 transportation appropriations bill was signed into law last year because of the authors refusal to agree to full-year funding. The first extension continued the program from March 31 through May 31 of 1999, the second extension was included in the fiscal 1999 Emergency Supplemental Appropriations Act and continued the program only through August 6 at the insistence of the authorizing committees, despite the desire of the Committee on Appropriations to extend the program through the end of the year.

Now we find ourselves facing yet another shutdown of the program because of the insistence of the Committee on Transportation and Infrastructure in passing the FAA program as a pawn to get the Senate to the conference table on AIP-21. I strongly object to the process that the gentleman from Pennsylvania is using to get to the conference with the Senate. There is no need to hold our airports hostage and deny them the additional funding that they are due this year because of disagreements over slots, off-budget provisions, and other controversial issues in the FAA reauthorization bill. There is absolutely no need to shut the airport program down. It is completely avoidable. Yet that will be the result of the actions proposed by the gentleman.

If the airport grant program is shut down after August 6, airports could lose $200 million in fiscal 1999 funding that we intended to provide this year. The loss of that $200 million in AIP funding would mean the following:

States would not get their remaining 15 percent of their AIP appropriations, a loss of $34 million. That means that critical commercial airports and general aviation airports funded by the States are effectively cut by 15 percent. For example, California will lose $4.5 million; Texas will lose $3.7; New York will lose $2.3 million; Pennsylvania, Illinois, and Michigan will lose $1.6 million each.

Cargo airports will not get the remaining 15 percent of their entitlements, a loss of $7 million. Noise projects will be underfunded by 30 percent, a loss of $71 million. High priority capacity and safety projects, under the discretionary set-aside for larger airports, will be underfunded, a loss of $149 million.

Military airports will not get their remaining set-aside, a loss of $9 million.

Mr. Speaker, I will include a list in my extension of remarks of airports that will be cut.

Mr. Speaker, S. 1467, adopted by the Senate last Friday, would allow the airport program to continue for another 60 days through the end of the fiscal year and into October. This is a simple extension of the program that will otherwise expire, and we ought to adopt it without amendment.

Mr. Speaker, I believe this action is unwise also because I strongly disagree with the provisions of AIP-21, which tax $39 billion in aviation spending off budget over 4 years beginning in 2001. CBO estimates that $13.6 billion of this spending will come out of the surplus revenues and that the bill would require a downward adjustment in the discretionary caps of $2.5 billion over 4 years.

We have already exhausted the on-budget surplus for fiscal 2000 due to emergency designations, directed spending cuts, and other actions taken by the majority in the 2000 appropriations bills considered by the House so far.

The tax bill just passed today assumes another $792 billion in surplus revenues for fiscal 2000. The $39 billion in aviation spending is apparently going to spend surplus revenues for aviation beginning in 2001 before we consider any other domestic needs for defense, cancer research, education, drug treatment, national parks, law enforcement, and other important priorities. Under AIP-21, the by the year 2004 aviation spending will consume nearly $1 out of every $4 of the projected remaining on-budget surplus revenues not required for the massive tax cut package just adopted today.

Moreover, AIP-21 will result in $26 billion less room under the existing discretionary caps that are already squeezing high priority programs. Under the budget that the House has already adopted for the year 2000, a 32 percent cut would be required in programs funded under the labor, health, education bill. That means a $5 billion cut in NIH, a $1.5 million cut in Head Start, a $2.5 billion cut in Pell Grants for college students, and a $2.5 billion in Title I, which would cut reading and math to help 3.8 million students.

Airport infrastructure is important, but do we really believe that airports are a higher priority than other investments, which could face even deeper cuts under the caps if AIP-21 is enacted? I certainly do not.

What AIP-21 offers is a choice between binge buying on aviation and thoughtful budgeting where we carefully balance all domestic priorities. If my colleagues believe we should not lavish a significant portion of the surplus on aviation without examining the competing needs in education, biomedical research, veterans care and defense, then they will not believe this action occurring tonight is the proper action.

So, Mr. Speaker, I simply state my opposition to what is happening here, and I thank the gentleman for his courtesy.

Mr. Speaker, I submit for the RECORD the information referred to earlier regarding airports that will be cut:

Peanie International Tradeport in New Hampshire
Myrtle Beach International in South Carolina

CONGRESSIONAL RECORD Ð HOUSE
August 5, 1999

H7434
CONGRESSIONAL RECORD – HOUSE

August 5, 1999

Sec. 308. Failure to meet rulemaking deadline.
Sec. 309. Federal Procurement Integrity Act.

TITLE IV—FAMILY ASSISTANCE
Sec. 401. Responsibilities of National Transportation Safety Board.
Sec. 402. Air carrier plans.
Sec. 403. Foreign air carrier plans.

TITLE V—SAFETY
Sec. 501. Cargo collision avoidance systems deadlines.
Sec. 502. Records of employment of pilot applicants.
Sec. 503. Whistleblower protection for FAA employees.
Sec. 504. Safety risk mitigation programs.
Sec. 505. Flight operations quality assurance rules.
Sec. 506. Small airport certification.
Sec. 507. Life-limited aircraft parts.
Sec. 508. FAA may fine unruly passengers.
Sec. 509. Report on air transportation oversight system.
Sec. 510. Airplane emergency locators.
Sec. 511. Landfills interfering with air commerce.
Sec. 512. Amendment of statute prohibiting the bringing of hazardous substances aboard an aircraft.
Sec. 513. Airport safety needs.
Sec. 514. Limitation on entry into maintenance implementation procedures.
Sec. 515. Occupational injuries of airport workers.
Sec. 516. Airport dispatchers.
Sec. 517. Improved training for airframe and powerplant mechanics.

TITLE VI—WHISTLEBLOWER PROTECTION
Sec. 601. Protection of employees providing air safety information.
Sec. 602. Civil penalty.

TITLE VII—MISCELLANEOUS PROVISIONS
Sec. 701. Duties and powers of Administrator.
Sec. 702. Public aircraft.
Sec. 703. Prohibition on release of offeror information.
Sec. 704. Multiyear procurement contracts.
Sec. 705. Federal Aviation Administration personnel management system.
Sec. 706. Non-discrimination in airline travel.
Sec. 707. Joint venture agreement.
Sec. 708. Extension of war risk insurance program.
Sec. 709. General facilities and personnel authority.
Sec. 710. Implementation of article 83 bis of the Chicago Convention.
Sec. 711. Public availability of airman records.
Sec. 712. Appeals of emergency revocations of certificates.
Sec. 713. Government and industry consortia.
Sec. 714. Passenger manifest.
Sec. 715. Cost recovery for foreign aviation services.
Sec. 716. Technical corrections to civil penalty provisions.
Sec. 717. Waiver under Airport Noise and Capacity Act.
Sec. 718. Metropolitan Washington Airport Federal Control Authority.
Sec. 719. Acquisition management system.
Sec. 721. Aircraft situational display data.
Sec. 722. Elimination of backlog of equal employment opportunity complaints.
TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) Authorization of Appropriations.—

Section 48103(c) (as designated by paragraph (1) of subsection (a) of section 48103, as amended by this Act) is amended by striking "(c) Airports shall be the last place it appears and all that follows the period at the end and inserting the following: "shall be—"

(1) $2,500,000,000 for fiscal year 2000;

(2) $2,475,000,000 for fiscal year 2001;

(3) $4,000,000,000 for fiscal year 2002;

(4) $4,100,000,000 for fiscal year 2003;

(5) $4,250,000,000 for fiscal year 2004;

(6) $4,250,000,000 for fiscal year 2005.

(b) Obligational Authority.—Section 47104(k) is amended by striking "After" and all that follows (a) and inserting "After September 30, 2004."

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) General Authorization and Appropriations.—

Section 48103(a)(1) is amended by striking paragraph (1), (2), and (3) and inserting the following:

"(1) Such sums as may be necessary for fiscal year 2000.

(2) $2,500,000,000 for fiscal year 2001.

(3) $3,000,000,000 for each of fiscal years 2002 through 2004.";

(b) Universal Access Systems.—Section 48103 is amended by adding at the end the following:

"(d) Universal Access Systems.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $8,000,000 may be used for the voluntary pilots and installation of universal access systems."

(c) Alaska National Air Space Communication Systems.—Section 48103 is further amended by adding at the end the following:

"(e) Alaska National Air Space Communication Systems.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $7,300,000 may be used by the Administrator for the Alaska National Air Space Interfacility Communications System if the Administrator issues a report supporting the use of such funds for the System."

(d) Automated Surface Observation Systems.—Section 48103 is further amended by adding at the end the following:

"(f) Automated Surface Observation System.—Automated Weather Observing System Upgrade.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated."

SEC. 103. FAA OPERATIONS.

(a) Authorization of Appropriations From General Fund.—Effective September 30, 1999, section 106(k) is amended—

(1) by inserting "(1) IN GENERAL.—" before "There;"

(2) in paragraph (1) (as designated by paragraph (1) of this subsection) by striking "the Administration" and all that follows through the period at the end and inserting the following: "the Administration—"

(A) such sums as may be necessary for fiscal year 2000;

(B) $6,450,000,000 for fiscal year 2001;

(C) $6,886,000,000 for each of fiscal years 2002 through 2004;

(D) $7,300,000,000 for fiscal year 2003; and

(E) $7,666,000,000 for fiscal year 2004;

(3) by adding at the end the following:

"(2) Authorized Expenditures.—Of the amounts appropriated under paragraph (1) for fiscal year 2000,

(A) $450,000 per fiscal year may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration;

(B) such sums as may be necessary may be used to fund an office within the Federal Aviation Administration dedicated to supporting infrastructure systems development for both general aviation and the vertical flight industry;

(C) such sums as may be necessary may be used to assist in ensuring terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of transport aircraft and to improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft;

(D) such sums as may be necessary may be used to establish helicopter approach procedures using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients;

(E) $3,000,000 per fiscal year may be used to implement the 1998 airport surface operations safety action plan of the Federal Aviation Administration;

(F) $2,000,000 per fiscal year may be used to support a universal security program established to provide an air safety and security management certificate program, working cooperatively with United States air carriers except that funds under this subparagraph—

(i) may not be used for the construction of a building or other facility; and

(ii) may only be awarded on the basis of open competition;

(G) such sums as may be necessary may be used to develop or improve training programs (including model training programs and curriculum) for security screeners at airports; and

(H) such sums as may be necessary for the Secretary to hire additional inspectors in order to enhance air cargo security programs;"

and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this subsection) and aligning such paragraph (1) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) Authorization of Appropriations From Trust Fund.—Section 48104 is amended—

(1) by striking subsection (b) and redesignating subsection (c) as subsection (b);

(2) in subsection (b) (as so redesignated)—

(A) by striking the subsection heading and inserting "GENERAL FUND LIMITATION ON TRUST FUND AMOUNTS.—"; and

(B) in the matter preceding paragraph (1)—

(i) by striking "The amount" and inserting "Except as provided in subsection (c), the amount; and"

(ii) by striking "for each of fiscal years 1998 through 1996" and inserting "for fiscal year 2000 and each fiscal year thereafter;"

and

(3) by adding at the end the following:

"(c) Special Rule for Fiscal Years 2000-2004.—

(1) IN GENERAL.—If the amount appropriated under section 106(k) for any of fiscal years 2000 through 2004 less the amount that would be appropriated, but for this subsection, from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for such fiscal year shall be less than the general fund cap, the amount appropriated from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for such fiscal year shall be reduced by the amount in excess of the general fund cap;"

and

(2) GENERAL FUND CAP DEFINED.—In this subsection, the term "general fund cap" means that portion of the amounts appropriated for programs of the Federal Aviation Administration.
Administration for fiscal year 1998 that was
derived from the general fund of the Treas-
ury.

SEC. 104. AIP FORMULA CHANGES.

(a) AIP FUND.-Section 47115 is amended by striking subsections (g) and (h) and
inserting the following:

"(g) FUNDING AMOUNTS.-Section 47110(e) with amounts available in the fund established by sub-
section (a) and, if such amounts are not suf-
ficient for a fiscal year, with amounts made
available to carry out sections 47114(c)(1)(A),
47114(c)(2), 47114(d), and 47117e on a pro rata
basis.

"(h) AMOUNTS APPORTIONED TO SPONSORS.-

(1) AMOUNTS TO BE APPORTIONED.—Effective
October 1, 2000, section 47114(c)(1) is
amended—

(A) in subparagraph (A) by striking clauses
(i) through (v) and inserting the following:

"(i) $23.40 for each of the first 50,000 pas-
senger boardings at the airport during the prior calendar year;

"(ii) $15.60 for each of the next 50,000 pas-
senger boardings at the airport during the prior calendar year;

"(iii) $9.95 for each of the next 400,000 pas-
senger boardings at the airport during the prior calendar year;

"(iv) $1.95 for each of the next 500,000 pas-
senger boardings at the airport during the prior calendar year;

"(v) $1.50 for each additional passenger
boarding at the airport during the prior calendar year.;

and

(B) in subparagraph (B) by striking "$500,000 or more than $22,000,000" and in-
serting "$1,500,000 or more than $22,000,000".

(2) RULES.—Section 47114(c)(1) is
amended by adding at the end the following:

"(C) Notwithstanding subparagraph (A),
the Secretary shall apportion to an airport
sponsored by an agency whose environmental record of decision for an
eligible project has been issued before October 1, 2000, an amount
equal to the minimum amount set forth in
paragraph (B) to the sponsor of such air-
port.

(3) IN GENERAL.—Subject to paragraph (2),
the Secretary shall apportion the funds for each fiscal year in an amount
equal to the minimum amount set forth in
paragraph (B) to the sponsor of such air-
port.

(4) CARGO ONLY AIRPORTS.—Section
47114(c)(2)(A) is amended by striking "2.5 per-
cent" and inserting "3 percent".

(b) INTEGRATED AIRPORT SYSTEM PLANNING.—Effective October 1, 2000, section
47114(d) is amended—

(1) in the subsection heading by striking "FOR GENERAL AVIATION AIRPORTS";

(2) in paragraph (1) by striking "(1)" and inserting "(2)";

(3) in subparagraph (A) by striking "IN GENERAL.—Notwithstanding paragraph
(1), the Secretary shall apportion the
amount of funds that will be necessary to
fulfill intentions to obligate under section
47110(e) for each of such fiscal year in an amount
greater than the amount of funds that will
be available in the fund established by sub-
section (a) for such fiscal year, the Secretary
shall retain such amount to be obligated under
such sections for such fiscal year on a pro rata
basis.

"(A) in subparagraph (A) by striking clauses
(i) through (v) and inserting the following:

"(i) 0.62 percent of the remaining amount
for airports, excluding primary airports but in-
cluding reliever and nonprimary commercial service airports, in States the lesser of—

"(i) $200,000 or

"(ii) is of the most recently published esti-
mate of the 5-year costs for airport improve-
ment for the airport, as listed in the na-
tional plan of integrated airport systems de-
developed by the Federal Aviation Administra-
tion under section 47103.

"(B) Any remaining amount to States as
follows:

"(i) 0.62 percent of the remaining amount to
Guam, American Samoa, the Common-
welth of the Northern Mariana Islands, and the Virgin Islands.

"(ii) Except as provided in paragraph (3),
94.69 percent of the remaining amount for
airports, excluding primary airports but in-
cluding reliever and nonprimary commercial service airports, in States not named in
clause (i) in the proportion that the popu-
lation of each of those States bears to the total population of all of those States.

"(iii) Except as provided in paragraph (3),
94.69 percent of the remaining amount for
airports, excluding primary airports but in-
cluding reliever and nonprimary commercial service airports, in States not named in
clause (i) in the proportion that the area of
each of those States bears to the total area
of all of those States.

"(e) USE OF APPORTIONMENTS FOR ALASKA,
PUERTO RICO, AND HAWAII.—Section
47114(d)(3) is amended to read as follows:

"(3) An amount apportioned under paragraph (2) to Alaska, Puerto Rico, or Hawaii for airports in such State
may be made available by the Secretary for any public airport in such State's respective juris-
dictions.

(f) USE OF STATE-APPORTIONED FUNDS FOR
SYSTEM PLANNING.—Section 47114(d)(4) is
amended by adding at the end the following:

"(4) INTEGRATED AIRPORT SYSTEM PLAN-
NING.—Notwithstanding paragraph (2), funds made available under this subsection may be
used for integrated airport system planning
that encompasses one or more primary air-
ports.

(g) FLEXIBILITY IN PAVEMENT CONSTRUCTION
STANDARDS.—Section 47114(d) is further amended by add-
ing at the end the following:

"(5) FLEXIBILITY IN PAVEMENT CONSTRUCTION STANDARDS.—The Secretary may permit the
use of State highway specifications for
airport pavement construction using funds made available under this subsection at non-
primary airports serving aircraft that do not exceed 60,000 pounds gross weight if the Sec-
retary determines that such use will not
(a) safety will not be negatively affected; and
(b) the life of the pavement will not be shorter than it would be if constructed using Federal Aviation Administration
standards.

(h) GRANTS FOR AIRPORT NOISE COMPAT-
IBILITY PLANNING.—Section 47117(e)(1) is amended—

(1) in subparagraph (A)—

"(a) by striking "31 percent" each place it appears and inserting "25 percent";

"(b) in the first sentence by striking "and for carrying out" and inserting ", for car-
rying out";

and

(2) in subparagraph (B) by striking "At least
" and all that follows through "sponsors of current" and inserting "At least 4 percent to sponsors of current".

(i) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Effective October 1, 2000, section
47114(e) is amended—

(1) in the subsection heading by striking "ALTERNATIVE" and inserting "SUPPLEMENT-
AL";

(2) in paragraph (1)—

"(A) by striking "Instead of apportioning
amounts for airports in Alaska under" and
inserting "IN GENERAL.—Notwithstanding";

"(B) by striking "those airports" and insert-
ring "airports in Alaska";

and

"(C) by inserting before the period at the end of the first sentence "and by increasing
the amount so determined for each of those airports by three times";

(3) in paragraph (2) by inserting "AUTHORIZED
FOR DISCRETIONARY GRANTS.—" before
"This subsection";

(4) by striking paragraph (3) and inserting
the following:

"(3) AIRPORTS ELIGIBLE FOR FUNDS.—An
amount apportioned under this subsection may be used for any public airport in Alas-
ka.";

and

(5) by indenting paragraph (1) and aligning
paragraph (1) (and its subparagraphs) and
paragraph (2) (as amended by paragraph (2) of this subsection); and

(j) REPEAL OF APPORTIONMENT LIMITATION
ON COMMERCIAL SERVICE AIRPORTS IN ALA-
SKA.—Section 47117 is amended by striking subsection (f) and by redesignating sub-
sections (g) and (h) as subsections (f) and (g),
respectively.

SEC. 105. PASSENGER FACILITY FEES.

(a) PASSENGER FACILITY FEE.—Section 40117(b) is amended by adding at the end the following:

"(4) Notwithstanding paragraph (1), the
Secretary may authorize under this section
an eligible agency to impose a passenger fa-
cility fee in whole dollar amounts of more
than $3 on each paying passenger of an air-
carrier or foreign air carrier boarding an air-
craft at an airport the agency controls to fi-

ance an eligible airport-related project, in-
cluding making payments for debt service on
indebtedness incurred to carry out the proj-
ect, if the Secretary determines that
"(A) the project will make a signifi-
cant contribution to improving air safety
and security, increasing competition among
air carriers, reducing or alleviating congestion, or reducing the impact of avia-
tion noise on people living near the airport;
"(B) that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 4803; and

"(C) that the amount to be imposed is not more than twice that which may be imposed under paragraph (1)."

SEC. 117. INITIAL APPROVAL OF CERTAIN APPLICATIONS. —Section 40117(d) is amended—

(1) by striking "and" at the end of paragraph (2); and

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) in the case of an application to impose a fee under section 47114(f) for funding a surface transportation or terminal project, the agency has made adequate provision for financing the airport's share of the project; or

(C) REDUCING APPOINTMENTS.—Section 47114(f) is amended—

(1) by striking "An amount" and inserting the following:

"(1) IN GENERAL.—An amount;

(2) by striking "an amount equal to" and all that follows through the period at the end and inserting the following: "an amount equal to—

(A) in the case of a fee of $3 or less, 50 percent of the project revenues from the fee in the fiscal year immediately preceding the year in which the collection of the fee imposed under section 40117 is begun;

(B) in the case of a fee of more than $3, 75 percent of the amount that otherwise would be apportioned under this paragraph; and

(3) by adding at the end the following:

"(2) EFFECTIVE DATE OF REDUCTION.—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year beginning after the year in which the collection of the fee imposed under section 40117 is begun.

SEC. 106. BUDGET SUBMISSION. —The Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the annual budget estimates of the Federal Aviation Administration, including line item justifications, by April 1 of each year. The annual budget estimates are submitted to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 111. AIRPORT DEVELOPMENT

SEC. 121. RUNWAY INCURSION PREVENTION DEVICES; EMERGENCY CALL BOXES.

(a) POLICY. —Section 47101(a)(11) is amended by inserting "(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)" after "technology".

(b) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(1) by striking "and" at the end of paragraph (9); and

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following:

"(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways;

(c) INCLUSION OF UNIVERAL ACCESS SYSTEMS AND EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—Section 47102(b) is amended—

(1) in clause (i) —

(A) by striking "and universal access systems," and inserting ", universal access systems, and supporting systems and facilities,"; and

(B) by striking "and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices" before the semicolon at the end; and

(2) by inserting before the semicolon at the end of clause (vi) and after the comma "including closed circuit weather surveillance equipment".

SEC. 122. WINDSHEAR DETECTION EQUIPMENT. —Section 47102 is further amended—

(1) by striking "and" at the end of clause (v); and

(2) by striking the period at the end of clause (vi) and adding the following:

"(vi) windshear detection equipment;"

SEC. 123. ENHANCED VISION TECHNOLOGIES. —(a) In general. —The Administrator shall conduct a study of the capability of requiring United States airports to install enhanced vision technologies to replace or enhance conventional landing light systems over the 10-year period following the date of completion of such study.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a), together with such recommendations as the Administrator considers appropriate.

(c) INCLUSION OF INSTALLATION AS AIRPORT DEVELOPMENT.—Section 47102 is amended—

(1) in paragraph (1) (as so amended by this Act) by adding at the end the following:

"(ii) enhanced vision technologies that are certified by the Administrator of the Federal Aviation Administration and that are intended to replace or enhance conventional landing light systems; and;

(2) by adding at the end the following:

"(2) ENHANCED VISION TECHNOLOGIES.—The term 'enhanced vision technologies' means laser guidance, ultraviolet guidance, infra-red, and cold cathode technologies.

(d) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a schedule for deciding whether or not to certify laser guidance equipment for use as approach lighting at United States airports and of cold cathode lighting equipment for use as runway and taxiway lighting at United States airports and as lighting at United States heliports.

SEC. 124. PAVEMENT MAINTENANCE.

(a) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 47102(5) and (6) is repealed.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47102.

SEC. 125. COMPETITION PLANS.

(a) POLICY.—Section 47101(a)(21) is amended by adding at the end the following:

"(21) ENHANCED VISION TECHNOLOGIES.—The term 'enhanced vision technologies' means laser guidance, ultraviolet guidance, infra-red, and cold cathode technologies.

(b) LIMITATION ON APPROVAL OF CERTAIN APPLICATIONS.—Section 47102 is amended—

(1) by striking "an amount equal to" and all that follows through the period at the end and inserting the following:

"an amount equal to—

(B) at which one or two air carriers control more than 50 percent of the total number of passenger boardings each year at all such airports; and

"(2) by striking the period at the end of paragraph (4) and inserting "; and";

(c) CROSS REFERENCE.—Section 40117 is amended by adding at the end the following:

"When a proposal to impose a passenger facility fee under this subsection with respect to a covered airport (as such term is defined in section 47104(f)), unless the agency has submitted to the Secretary a written competition plan in accordance with this subsection, this subsection does not apply to passenger facility fees in effect before the date of the enactment of this subsection.".

SEC. 126. MATCHING SHARE.

SEC. 47109(a) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(3) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;"

(3) by striking paragraph (2) of subsection (a) of section 47104 at the end of paragraph (3) (as so redesignated);

(4) by striking the period at the end of paragraph (4) (as so redesignated) and inserting "; and"

(5) by adding at the end the following:

"(5) 100 percent in fiscal year 2001 for any project—

(A) at an airport other than a primary airport; or

(B) at a primary airport having less than 0.5 percent of the total number of passenger boardings each year at all commercial service airports.

SEC. 127. LETTERS OF INTENT.

Section 47101(e) is amended—

(1) by striking paragraph (2)(C) and inserting the following:

"(2) that meets the criteria of section 47115(d) and, if for a project at a commercial airport having more than 10 percent of the boardings each year at all such airports, the Secretary decides will enhance system-wide airport capacity significantly,";

and

(2) by striking paragraph (5) and inserting the following:

"(5) LETTERS OF INTENT.—The Secretary may not require an eligible agency to impose a passenger facility fee under section 40117 in order to obtain a letter of intent under this section.

SEC. 128. GRANTS FROM SMALL AIRPORT FUND.

SEC. 47116 is amended by adding at the end the following:

"(1) By adding at the end of section 47106, with respect to airports described in section 47406(a)(2), in each of the next 4 fiscal years, the lesser of $15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary finds that all the terms established by the regulations have been met, this subsection

H7438  CONGRESSIONAL RECORD — HOUSE August 5, 1999
shall cease to be effective as of the date of such publication.''.

(b) Notification of Source of Grant.—Section 47116 is further amended by adding at the end the following:

'(f) Notification of Source of Grant.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.'

SEC. 129. DISCRETIONARY USE OF UNAVAILABILITY OF APPORTIONMENTS.

Section 47117(f) (as redesignated by section 104(j)) of this Act is amended to read as follows:

'(f) Discretionary Use of Appportionments.—

'((A) In General.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an appportionment under section 47114 is not required during a fiscal year for which the appportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

'((B) Restoration of Appportionments.—

'((i) In General.—If a fiscal year for which a finding is made under paragraph (1) with respect to an appportionment is not the last fiscal year of availability of the appportionment under subsection (b), the Secretary shall restore to the appportionment an amount equal to the amount of the appportionment under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

'((ii) Period of availability.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the appportionment under subsection (b). If the restoration is made thereafter, the appportionment restored shall remain available in accordance with subsection (b) for the original period of availability of the appportionment, plus the number of fiscal years during which the amount was not available for the restoration.

'((iii) Newly Available Amounts.—

'((I) Restored Amounts to Be Available for Discretionary Grants.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grants.

'((II) Use of Remaining Amounts.—Subparagraph (A) does not impair the Secretary’s authority under paragraph (2) to apply all or part of a restored amount that is not required to fund a grant under an appportionment to fund discretionary grants.

'((B) Limitations on Obligations Apply.—Nothing in this subsection shall be construed to authorize the obligation of discretionary grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.'
The text contains various amendments and sections of legislation related to airport construction and the promotion of low-emission vehicles. It includes discussions on pilot programs for inherently low-emission vehicles, the selection of eligible sponsors, and the conditions under which these vehicles can be used. The text also addresses the funding and authorization of appropriations for such programs.

Key sections include:

- **SEC. 134** Low-Emission Airport Vehicle Pilot Program
  - **Subsection (c)** Matching Share
  - **Subsection (h)** Eligible Sponsor Defined

- **SEC. 135** Technical Amendments
  - **Subsection (f)** Authorization of Appropriations
  - **Subsection (g)** Inherently Low-Emission Vehicle Activity Defined

- **SEC. 136** Conveyances of Airport Property
  - **Subsection (b)** Conveyances of United States Government Land
  - **Subsection (d)** Notice and Public Comment

The text concludes with references to gifts and public comment, indicating ongoing discussions and the importance of public involvement in the decision-making process.

The document is structured to outline the procedural steps and requirements for implementing and assessing the effectiveness of the pilot programs, with a focus on ensuring that the projects are economically viable and environmentally beneficial.
SEC. 137. INTERMODAL CONNECTIONS.  
(a) AIRPORT IMPROVEMENT POLICY. —Section 47101(a)(5) is amended to read as follows:  
"(5) to encourage the development of intermodal connections between airports and other transportation modes and systems to promote economic development in a way that will serve States and local communities efficiently and effectively;".  
(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is further amended by adding at the end the following:  
"(f) constructing, reconstructing, or improving an airport, or purchasing capital equipment for an airport, for the purpose of transferring passengers, cargo, or baggage between the airport and ground transportation modes.".  

SEC. 138. STATE BLOCK GRANT PROGRAM.  
Section 47128(a) is amended by striking "9 qualified" and inserting "10 qualified".  

SEC. 139. ENGINEERED MATERIALS ARRESTING SYSTEMS.  
(a) ELIGIBILITY.—Section 47102(3)(B) (as amended by this Act) is amended by adding at the end the following:  
"(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/520-22 published by the Federal Aviation Administration on August 21, 1998:".  
(b) RULEMAKING.—The Administrator shall institute a rulemaking proceeding to consider revisions to part 139 of title 14, Code of Federal Regulations to provide runway safety through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.  

Subtitle C—Miscellaneous  
SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.  
Section 40117(a)(3)(E) is amended—  
(1) by striking "and" and inserting a comma; and  
(2) by striking the period at the end and inserting the following:  
"including public charter operations described in subsection (g)) at the airport if the airport including public charter operations described in subsection (g)) at the airport if the airport preclude scheduled passenger operations (including public charter operations described in subsection (g)) at the airport if the airport preclude scheduled passenger operations (including public charter operations described in subsection (g)) at the airport if the airport notifies the Administrator, in writing, that it does not intend to obtain an airport operating certificate.".  

SEC. 152. TERMINAL DEVELOPMENT COSTS.  
(a) With respect to passenger facility charges.—Section 40117(a)(3) is further amended—  
(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and  
(2) by inserting after subparagraph (D) the following:  
"(C) costs of terminal development referred to in subparagraph (B) incurred after August 1, 1996, at an airport that did not have more than 25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between the calendar year 1999 and calendar year 1997.".  
(b) REPAYING BORROWED MONEY.—Section 47119(a) is amended—  
(1) by striking preceding paragraph (1) —  
(A) by striking "0.05" and inserting "0.25"; and  
(b) by striking "between January 1, 1992, and October 31, 1992," and inserting "between August 1, 1989, and September 30, 1990, or between J une 1, 1991, and October 31, 1992," and  
(2) in paragraph (1)(B) by striking "an airport development project outside the terminal area at that airport" and inserting "any needed airport development project affecting safety, security, or capacity.".  

SEC. 153. GENERAL FACILITIES AUTHORITY.  
(a) CONTINUATION OF ILS INVENTORY PROGRAM.—Section 44502(a)(4)(B) is amended—  
(1) by striking "each of fiscal years 1995 and 1996" and inserting "each of fiscal years 2001 through 2002"; and  
(2) by inserting "under new or existing contracts" after "including acquisition".  
(b) LORAN C NAVIGATION FACILITIES.—Section 44502(a)(2) is amended by adding at the end the following:  
"(3) MAINTENANCE AND UPGRADE OF LORAN C NAVIGATION FACILITIES.—The Secretary shall maintain and upgrade Loran-C navigation facilities throughout the transition period to satellite-based navigation.".  

SEC. 154. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.  
Section 44706 is amended by adding at the end the following:  
"(b) AUTHORITY TO PRECLUDE SCHEDULED PASSENGER OPERATIONS.—The Administrator shall permit an airport that will be subject to certification under subsection (a)(2) to preclude scheduled passenger operations (including public charter operations described in subsection (g)) at the airport if the airport notifies the Administrator, in writing, that it does not intend to obtain an airport operating certificate.".  

SEC. 155. CONSTRUCTION OF RUNWAYS.  
Notwithstanding any provision of law that specifically restricts the number of runways at a single airport, the Secretary of Transportation may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a runway at such airport, unless this section is expressly repealed.  

SEC. 156. USE OF RECYCLED MATERIALS.  
(a) STUDY.—The Administrator shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specific measures necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.  
(b) CONTRACTING.—The Administrator may carry out the study under this section by entering into a contract with a university of higher education with expertise necessary to carry out the study.  
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section together with recommendations concerning the use of recycled materials in aviation pavement.  

SEC. 157. AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.  
Section 47504(c) is amended by adding at the end the following:  
"(A) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Administrator may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effects primarily caused by military aircraft at an airport.".  

SEC. 158. TIMELY ANNOUNCEMENT OF GRANTS.  
The Secretary of Transportation shall announce the making of grants with funds made available under section 48103 of title 49, United States Code, in a timely fashion after receiving necessary documentation for the making of such grants from the Administrator.  

TITLE II—AIRLINE SERVICE IMPROVEMENTS  
Subtitle A—Service to Airports Not Receiving Sufficient Service  
SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.  
(a) PHASEOUT OF SLOT RULE FOR O'HARE, LA GUARDIA, AND KENNEDY AIRPORTS.—Section 41714 is amended by adding at the end the following:  
"(b) Phaseout of Slot Rule for O'Hare, LaGuardia, and Kennedy Airports.—  
"(1) O'HARE AIRPORT.—The slot rule shall be of no force and effect at O'Hare International Airport;  
"(ii) with respect to any aircraft providing air transportation between O'Hare International Airport and a small hub or nonhub airport—  
"(II) if the level of air transportation to be provided by such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and  
"(iii) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999, or  
(b) AUTOMATION AND SATELLITE-BASED NAVIGATION.—The Administrator shall carry out the study under this section by entering into a contract with a university of higher education with expertise necessary to carry out the study.  
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section together with recommendations concerning the use of recycled materials in aviation pavement.  

SEC. 202. ACCESS TO HIGH DENSITY AIRPORTS WITH LOW-SPEED OR NONNAVIGABLE RUNWAYS.  
(a) HUB AND NONHUB AIRPORTS.—Section 41715 is amended by adding at the end the following:  
"(b) AUTOMATION AND SATELLITE-BASED NAVIGATION.—The Administrator shall carry out the study under this section by entering into a contract with a university of higher education with expertise necessary to carry out the study.  
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section together with recommendations concerning the use of recycled materials in aviation pavement.  

SEC. 203. ACCESS TO HIGH DENSITY AIRPORTS IN THE SOUTHWESTERN UNITED STATES.  
(a) PHASEOUT OF SLOT RULE FOR O'HARE, LA GUARDIA, AND KENNEDY AIRPORTS.—Section 41714 is amended by adding at the end the following:  
"(b) Phaseout of Slot Rule for O'Hare, LaGuardia, and Kennedy Airports.—  
"(1) O'HARE AIRPORT.—The slot rule shall be of no force and effect at O'Hare International Airport;  
"(ii) with respect to any aircraft providing air transportation before 2:45 post meridiem and after 8:15 post meridiem; and  
(c) EFFECTIVE DATE.—This section shall take effect on January 1, 2000.  

SEC. 204. ACCESS TO HIGH DENSITY AIRPORTS IN THE SOUTHWESTERN UNITED STATES.—Section 41715 is amended by adding at the end the following:  
"(b) AUTOMATION AND SATELLITE-BASED NAVIGATION.—The Administrator shall carry out the study under this section by entering into a contract with a university of higher education with expertise necessary to carry out the study.  
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section together with recommendations concerning the use of recycled materials in aviation pavement.  

SEC. 205. ACCESS TO HIGH DENSITY AIRPORTS IN THE SOUTHWESTERN UNITED STATES.—Section 41715 is amended by adding at the end the following:  
"(b) AUTOMATION AND SATELLITE-BASED NAVIGATION.—The Administrator shall carry out the study under this section by entering into a contract with a university of higher education with expertise necessary to carry out the study.  
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section together with recommendations concerning the use of recycled materials in aviation pavement.  

SEC. 206. ACCESS TO HIGH DENSITY AIRPORTS IN THE SOUTHWESTERN UNITED STATES.—Section 41715 is amended by adding at the end the following:  
"(b) AUTOMATION AND SATELLITE-BASED NAVIGATION.—The Administrator shall carry out the study under this section by entering into a contract with a university of higher education with expertise necessary to carry out the study.  
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section together with recommendations concerning the use of recycled materials in aviation pavement.
“(ii) the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation required by such operator with respect to such airports during the week of June 15, 1999, and

“(B) effective January 1, 2007, with respect to any airport.”}

“(b) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—Section 41714 is amended by striking subsections (e) and (f) and inserting the following:

“(e) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—

(1) SLOT EXEMPTIONS FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—

“(A) IN GENERAL.—Notwithstanding chapter 401, the Secretary may by order grant exemptions from the slot rule for Ronald Reagan Washington National Airport and O’Hare International Airport to enable air carriers to provide nonstop air transportation using jet aircraft that comply with the stage 3 noise levels of part 93 of title 14, Code of Federal Regulations, between the airport and a small hub or nonhub airport that the Secretary determines has (i) insufficient air service to and from Ronald Reagan Washington National Airport or O’Hare International Airport, as the case may be, or (ii) excessively high airfares.

“(B) NUMBER OF SLOT EXEMPTIONS TO BE GRANTED.—

“(i) REAGAN NATIONAL.—

“(1) MAXIMUM NUMBER OF EXEMPTIONS.—No more than 2 exemptions from the slot rule per day may be granted under this paragraph for Ronald Reagan Washington National Airport.

“(2) MAXIMUM DISTANCE OF FLIGHTS.—An exemption from the slot rule may be granted under this paragraph for Ronald Reagan Washington National Airport only if the flight utilizing the exemption begins or ends within 1,250 miles of such airport and a stage 3 aircraft is used for such flight.

“(ii) O’HARE AIRPORT.—20 exemptions from the slot rule per day shall be granted under this paragraph for O’Hare International Airport.

“(2) SLOT EXEMPTIONS AT O’HARE FOR NEW ENTRANT AIR CARRIERS.—

“(A) IN GENERAL.—The Secretary shall give priority consideration to an application from an air carrier that, if submitted before the period; and

“(B) PRIORITY CONSIDERATION.—In granting exemptions under paragraph (1), the Secretary shall give priority consideration to an application from an air carrier that, as of June 15, 1999, operated or held fewer than 20 slots at O’Hare International Airport.

“(3) INSUFFICIENT APPLICATIONS.—If, on the 180th day following the date of the enactment of the Aviation Investment and Reform Act of 2002—

“(A) do not grant all of the exemptions from the slot rule made available under this subsection at an airport because an insufficient number of eligible applicants have submitted applications for the exemptions, the Secretary may grant the remaining exemptions at the airport to any air carrier applying for the exemptions for the provision of any type of air transportation. An exemption granted under paragraph (1) or (2) pursuant to this paragraph may be reclaimed by the Secretary for issuance in accordance with the terms of paragraph (1) or (2), as the case may be, if subsequent applications under paragraph (1) or (2), as the case may be, warrant.

“(f) REQUIREMENTS RELATING TO ADDITIONAL SLOT EXEMPTIONS.—

“(1) APPLICATIONS.—An air carrier interested in obtaining an exemption from the slot rule under subsection (e) shall submit to the Secretary an application for the exemption. No application may be submitted to the Secretary under subsection (e) before the last day of the 30-day period beginning on the date of the enactment of the Aviation Investment and Reform Act for the 21st Century.

“(2) PERIOD OF EFFECTIVENESS.—An exemption from the slot rule granted under section (e) shall be effective only while the air carrier for whom the exemption is granted continues to provide the air transportation for which the exemption is granted.

“(3) TREATMENT OF CERTAIN COMMUTER AIR CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code share agreements, with other carriers, equally for determining eligibility for exemptions from the slot rule under subsection (e) regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.

“(C) DEFINITIONS.—

“(1) IN GENERAL.—Section 41714(h) is amended by adding at the end the following:

“(9) UNREASONABLY HIGH AIRFARE.—The term ‘unreasonably high airfare,’ as used in this Act, means the airfare listed in the table entitled ‘Top 1,000 City-Pair Market Summarized by City’, contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.”

“(2) REGULATORY DEFINITION OF LIMITED INCUMBENT CARRIER.—The Secretary shall modify the term ‘limited incumbent carrier’ in subparagraph (A) so that any air carrier with an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations, that has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

“(3) SLOT.—The term ‘slot’ means a reservation for an instrument flight rule takeoff or landing by an air carrier or an aircraft in air transportation.

“(4) SLOT RULE.—The term ‘slot rule’ means the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports).

“(5) SMALL HUB AIRPORT.—The term ‘small hub airport’ means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

“(6) UNREASONABLY HIGH AIRFARE.—The term ‘unreasonably high airfare’, as used with respect to an airport, means that the airfare listed in the table entitled ‘Top 1,000 City-Pair Market Summarized by City’, contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.”

“SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

“(a) FUNDING FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Chapter 417 is amended by adding at the end the following:

“(1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years; and

“(2) to provide assistance to an underserved airport to obtain jet aircraft service (and to promote passenger use of that service) and to subsidize service to and from the underserved airport; and

“(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with the airport, considers to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving access to the airport, promotion of air service and enhanced utilization of airport facilities.
[41763. Purpose]
The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to small commuter air carriers that purchase regional jet aircraft for use in serving those markets.

[41762. Definitions]
In this subchapter, the following definitions apply:

(1) AIR CARRIER.—The term ‘air carrier’ means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102.

(2) AIRCRAFT PURCHASE.—The term ‘aircraft purchase’ means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The term ‘capital reserve subsidy amount’ means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and effective on government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990.

(4) COMMUTER AIR CARRIER.—The term ‘commuter air carrier’ means an air carrier that primarily operates aircraft designed to have a maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

(5) FEDERAL CREDIT INSTRUMENT.—The term ‘Federal credit instrument’ means a secured loan, loan guarantee, or line of credit authorized to be made under this subchapter.

(6) FINANCIAL OBLIGATION.—The term ‘financial obligation’ means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an aircraft purchase, other than a Federal credit instrument.

(7) LENDER.—The term ‘lender’ means any non-Federal qualified institutional buyer (as defined by section 230A.144(a) of title 17, Code of Federal Regulations (or a successor regulation) known as Rule 144A(a) of the Security and Exchange Commission and issued under the Security Act of 1933 (15 U.S.C. 77a et seq.)), including—

(i) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(ii) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(8) LINE OF CREDIT.—The term ‘line of credit’ means an agreement entered into by the Secretary with an obligor under section 41763(d) to provide a direct loan at a future date upon the occurrence of certain events.

(9) LOAN GUARANTEE.—The term ‘loan guarantee’ means any guarantee or other pledge of credit made by the Secretary under this section with respect to an aircraft purchase under section 41763(b).

(10) NEW ENTRANT AIR CARRIER.—The term ‘new entrant air carrier’ means an air carrier that has been providing air transportation service for less than 5 years, including any person that has received authority from the Secretary to provide air transportation but is not providing air transportation.

(11) NONHUB AIRPORT.—The term ‘nonhub airport’ means an airport that each year has less than .05 percent of the total annual boardings in the United States.

(12) OBLIGOR.—The term ‘obligor’ means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality of the United States.

(13) REGIONAL JET AIRCARRIER.—The term ‘regional jet aircraft’ means a civil aircraft—

(A) powered by jet propulsion; and

(B) designed to have a maximum passenger seating capacity of no less than 30 or more than 75.

(14) SECURED LOAN.—The term ‘secured loan’ means a direct loan made by the Secretary in connection with the financing of an aircraft purchase under section 41763(b).

(15) SMALL HUB AIRPORT.—The term ‘small hub airport’ means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

(16) UNDERSERVED MARKET.—The term ‘underserved market’ means a passenger air transportation market (as defined by the Secretary) that—

(A) is served (as determined by the Secretary) by a nonhub airport or a small hub airport; or

(B) is not within a 40-mile radius of an airport that each year has at least .25 percent of the total annual boardings in the United States; and

(C) the Secretary determines not have sufficient air service.

[SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIRPORT]
projected cash flow from aircraft revenues and other repayment sources.

(1) COMMENCEMENT.—Scheduled loan repayments of principal and interest on a secured loan made under this subsection shall commence no later than 3 years after the date of execution of the loan agreement.

(2) REPAYMENT.—After satisfying scheduled debt service requirements on all financial obligations and secured loans and all deposit requirements under the terms of any Federal credit instruments or other agreements or similar agreements securing financial obligations, the secured loan may be prepaid at any time without penalty from proceeds of refinancing from Federal credit sources.

(c) Loan Guarantees.—

(1) in General.—A loan guarantee under this section with respect to a loan made for an aircraft shall be made in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(2) Maximum Amount.—No loan guarantee shall be made with respect to a loan described in subsection (a) if the amount of such loan guarantee exceeds (A) that extends to more than the unpaid interest and 50 percent of the unpaid principal on any loan; or (B) that, in any case, for any loan or combination of loans, extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased with the loan or loan combination;

(c) Line of Credit.—

(1) in General.—A loan guarantee under this section with respect to a loan made for an aircraft shall be made in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(2) Maximum Amount.—A line of credit under this subsection with respect to an aircraft purchase shall be made in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(3) Use of Direct Credit.—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

(4) Line of Credit.—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

(3) Y ear Draws.—The amount drawn in any year shall not exceed 20 percent of the total amount of credit.

(C) Draws.—Any draw on the line of credit shall represent a direct loan.

(D) Period of Availability.—The line of credit shall be available not more than 5 years after the date of the aircraft purchase date.

(E) Rights of Third-Party Creditors.—A third-party creditor of the obligor shall not have any right against the United States Government with respect to any draw on the line of credit.

(F) Subordination.—A loan or draw under this subsection may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined by the Secretary.

(G) Fees.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all of a portion of the costs to the United States Government of providing a line of credit under this subsection. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available until expended.

(2) Line of credit under this subchapter may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined by the Secretary.

(3) Repayment.—

(A) Schedule.—The Secretary shall establish a repayment schedule for each direct loan under this subchapter.

(B) Commencement.—Scheduled loan repayments of principal and interest on a direct loan under this subchapter shall commence no later than 3 years after the date of the first draw on the line of credit and shall be repaid, with interest, not later than 18 years after the date of the last draw.

(6) Risk Assessment.—Before entering into an agreement under this section to make available a Federal credit instrument, the Secretary, with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for the Federal credit instrument based on such credit evaluations as the Secretary deems necessary.

(f) Conditions.—Subject to subsection (h), the Secretary may only make a Federal credit instrument available under this section if the Secretary determines that—

(1) the aircraft to be purchased with the Federal credit instrument is a regional jet aircraft; and

(2) the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to use the aircraft to provide passenger air transportation to underserved markets.

(g) Limitation on Combined Amount of Federal Credit Instruments.—The Secretary shall not allow the combined amount of Federal credit instruments available for any aircraft purchase under this section to exceed—

(1) 50 percent of the cost of the aircraft purchase; or

(2) $20,000,000 for any single obligor.

(h) Requirement.—Subject to subsection (i), no Federal credit instrument may be made under this section for the purchase of a regional jet aircraft that does not comply with the stage 3 noise levels of part 36 of title 14 of the Code of Federal Regulations, as in effect on January 1, 1999.

(i) Federal credit instrument shall be made by the Secretary under this section for the purchase of a regional jet aircraft if the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to provide scheduled passenger air transportation to underserved markets for which the aircraft is purchased for a period of not less than 36 consecutive months after the date that aircraft is placed in service.

§ 41764. Use of Federal services and assistance

(1) Use of Federal facilities.—To permit the Secretary of Transportation to make use of such expert advice and services as the Secretary may require to carry out this subchapter, the Secretary may use available services and facilities of other agencies and instrumentalities of the United States Government.

(2) Assistance.—The head of each appropriate department or agency of the United States Government shall ascertain the duties and powers of such head in such manner as to assist in carrying out the policy specified in section 41761.

(j) Oversight.—The Secretary shall make available to the Comptroller General of the United States such information with respect to any Federal credit instrument made under this subchapter as the Comptroller General may require to carry out the duties of the Comptroller General under chapter 7 of title 31, United States Code.

§ 41765. Administrative expenses

In carrying out this subchapter, the Secretary may use funds collected as fees or payments by this subchapter to the extent necessary to defray administrative expenses of the Federal credit instrument program under this subchapter.

§ 41766. Funding

(1) in General.—Except as provided in section 41801, the authority of the Secretary to issue Federal credit instruments under this subchapter shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

(2) Continuation of Authority To Administer Program for Existing Federal Credit Instruments.—On and after the termination date, the Secretary shall continue to administer the program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until at least 15 years after the termination date.

(b) Continuing Amendment.—The analysis for chapter 417 is amended by adding at the end the following:
"SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM"

"Sec. 41761. Purpose.
41762. Definitions.
41763. Federal credit instruments.
41764. Use of Federal facilities and assistance.
41765. Administrative expenses.
41766. Funding.
41767. Termination."

TITLE III—FAA MANAGEMENT REFORM

SEC. 301. AIR TRAFFIC CONTROL OVERSIGHT BOARD SYSTEM DEFINED.
Section 40102(a) is amended—
(1) by redesignating paragraphs (5) through (42) as paragraphs (6) through (42), respectively; and
(2) by inserting after paragraph (4) the following:

"(5) 'air traffic control system' means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—
(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;
(B) laws, regulations, orders, directives, agreements, and licenses;
(C) published procedures that explain required actions, activities, and techniques used to ensure adequate air traffic separation; and
(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control."

SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT BOARD

(a) ESTABLISHMENT.—

(I) IN GENERAL.—Chapter 1 is amended by

adding at the end the following:

"§ 113. Air Traffic Control Oversight Board

(a) ESTABLISHMENT.—There is established within the Department Transportation, the "Air Traffic Control Oversight Board" (in this section referred to as the 'Oversight Board').

(b) MEMBERSHIP.—

(I) APPOINTMENT.—The Oversight Board shall be composed of nine members, as follows:

(A) Six members shall be individuals who are not career Federal officers or employees who are appointed by the President, by and with the advice and consent of the Senate.

(B) One member shall be the Secretary of Transportation or, if the Secretary so designates, the Deputy Secretary of the Transportation.

(C) One member shall be the Administrator of the Federal Aviation Administration.

(D) One member shall be an individual who is appointed by the President, by and with the advice and consent of the Senate, from among individuals who are the leaders of their respective unions of air traffic control system employees.

(2) QUALIFICATIONS AND TERMS.

(A) QUALIFICATIONS.—Members of the Oversight Board described in paragraph (1)(A) shall constitute a quorum. At least three members of the Oversight Board appointed under paragraph (1)(A) should have knowledge of, or a background in, aviation. At least one of such members should have a background in managing large organizations successfully. In the aggregate, such members should collectively bring to bear expertise in the areas described in subparagraphs (I) through (VI) of clause (iii).

(B) TERMINATION.—No member of the Oversight Board described in paragraph (1)(A) may—

(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise;

(ii) engage in another business related to aviation or aeronautics; or

(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

(C) TERMS FOR NONFEDERAL OFFICERS OR EMPLOYEES.—A member appointed under paragraph (1)(A) shall be appointed for a term of 5 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (1)(D).

(D) TERMS FOR NONFEDERAL OFFICERS OR EMPLOYEES.—A member appointed under paragraph (1)(A) shall be appointed for a term of 5 years, except that the members first appointed under paragraph (1)(A)—

(i) two members shall be appointed for a term of 3 years;

(ii) two members shall be appointed for a term of 4 years; and

(iii) two members shall be appointed for a term of 5 years.

(E) REAPPOINTMENT.—An individual may not be appointed under paragraph (1)(A) to more than two 5-year terms on the Oversight Board.

(F) VACANCY.—Any vacancy on the Oversight Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member replaced was appointed shall be appointed for the remainder of that term.

(3) ETHICAL CONSIDERATIONS.

(A) FINANCIAL DISCLOSURE.—During the entire period of their appointment, individuals appointed under subparagraph (A) or (D) of paragraph (1) is a member of the Oversight Board, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act, except that section 101(d) of such Act shall apply without regard to the number of days of service in the position.

(B) RESTRICTIONS ON POST-EMPLOYMENT.—For purposes of section 207(c) of title 18, an individual described in subparagraph (A) or (D) of paragraph (1) shall be treated as an employee referred to in section 207(c)(2)(A)(I) of such title during the entire period the individual is a member of the Board, except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.

(C) WAIVER.—At the time the President nominates an individual for appointment as a member of the Oversight Board under paragraph (1)(D), the President may waive for the term of the individual any appropriate provision of title 18 relating to the extension of the restrictions on post-employment rights to any other officials or employees. Any such waiver shall not be effective unless a written intent of waiver to exempt such member (and actual waiver language) is submitted to the Senate with the nomination of such member.

(D) PROHIBITIONS.—No member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) may be removed for cause by the President.

(E) CLAIMS.—

(A) IN GENERAL.—A member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Oversight Board.

(B) EFFECT ON OTHER LAW.—This paragraph shall not be construed—

for the air traffic control system; and

for the air traffic control system.

(3) O VERSIGHT.ÐThe Oversight Board shall oversee the Federal Aviation Administration in its administration, management, conduct, direction, and supervision of the air traffic control system.

(4) PROHIBITIONS.ÐNo member of the Oversight Board shall appoint an individual for appointment as a member of the Oversight Board under paragraph (1)(A) or (D) of paragraph (1) may be removed for cause by the President.

(5) REMOVAL.—Any member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) may be removed for cause by the President.

(6) CLAIMS.—

(A) IN GENERAL.—A member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Oversight Board.

(B) EFFECT ON OTHER LAW.—This paragraph shall not be construed—

for the air traffic control system; and

for the air traffic control system.
(D) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control services; and

(E) review the performance and cooperation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

(5) Budget.—To:

(A) review and approve the budget request of the Federal Aviation Administration related to the air traffic control system prepared by the Administrator;

(B) submit such budget request to the President for action; and

(C) ensure that the budget request supports the annual and long-range strategic plans. The Secretary shall submit the budget request referred to in paragraph (5)(B) for any fiscal year to the President who shall submit such request, without revision, to the Committee on Transportation and Infrastructure and Appropriations of the House of Representatives and the Senate.

(f) Board Personnel Matters.—

(1) Compensation of Members.—(A) In General.—The chairperson of the Oversight Board shall be compensated at a rate of $30,000 per year and is not otherwise a Federal officer or employee. (B) Appointment.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, except that the Administrator shall serve in such capacity without compensation.

(g) Administrative Matters.—

(1) Chair.—(A) Term.—The members of the Oversight Board shall elect for a 2-year term a chairperson from among the members appointed under subsection (b)(1)(A).

(B) Powers.—Except as otherwise provided by statute or otherwise provided by law, (i) developing rules to govern the conduct of business; and

(ii) establishing committees; (iii) establishing meeting agendas; and

(iv) developing rules for the conduct of business.

(ii) Travel Meetings.—The Oversight Board shall meet at least quarterly and at such other times as the chairperson determines appropriate.

(iii) Amendments.—(A) Annual.—The Oversight Board shall each year report with respect to the conduct of its responsibilities under this title to the Committee on Transportation and Infrastructure and the Committee on Commerce, Science, and Transportation of the Senate.

(B) Additional Report.—Upon a determination by the Oversight Board under subsection (c)(1)(A) that the organization and operation of the Federal Aviation Administration's air traffic control system are not allowing the Federal Aviation Administration to carry out its functions, the Oversight Board shall report such determination to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(h) Oversight of Oversight Board.—

(1) Review and Approval.—The coordinated environmental review process for each project shall be subject to review and renegotiation in key operational areas. The agreement for aviation infrastructure projects that require the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), except that the Secretary may decide not to apply this section to the preparation of an environmental assessment under such Act; or

(2) Effect on Actions Prior to Approval of Oversight Board.—Nothing in this section shall be construed to invalidate the actions of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Control Oversight Board.

SEC. 303. CHIEF OPERATING OFFICER.

The Chief Operating Officer shall be appointed by the Administrator and shall be subject to the authority of the Administrator.

(B) Qualifications.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

(C) Term.—The Chief Operating Officer shall be appointed for a term of 2 years.

(D) Removal.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall not remove the Chief Operating Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

(2) Annual Performance Agreement.—The Administrator and the Chief Operating Officer, in consultation with the Air Traffic Control Oversight Board, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer. The agreement shall be subject to review and renegotiation on an annual basis.

(3) Annual Performance Report.—The Chief Operating Officer shall prepare and submit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.

SEC. 305. ENVIRONMENTAL STREAMLINING.

(a) Coordinated Environmental Review Process.—

(1) Development and Implementation.—The Secretary shall develop and implement a coordinated environmental review process for aviation infrastructure projects that require environmental review.

(b) Effective Dates.—(1) In General.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Initial Nominations to Air Traffic Control Oversight Board.—The President shall submit the initial nominations of the Air Traffic Control Oversight Board to the Senate not later than 3 months after the date of the enactment of this Act.

(3) Effect on Actions Prior to Appointment of Oversight Board.—Nothing in this section shall be construed to invalidate the actions of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Control Oversight Board.

SEC. 306. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.

(a) Membership.—Section 106p(2)(C) is amended to read as follows:

((C) 13 members representing aviation interests, appointed by—

(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation.

(b) Terms of Members.—Section 106p(6)(A)(i) is amended by striking “by the President” and inserting “by the Secretary of Transportation.”
(B) Establishment of time periods.—In establishing the time period referred to in subparagraph (A), and any time periods for review within such period, the Department and any affected Federal agency shall take into account, to the extent permitted, their respective resources and statutory commitments.

(b) Steps of Coordinated Environmental Review Process.—For each project, the coordinated environmental review process established under this section shall provide, to a minimum, for the following elements:

(1) Federal agency identification.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the analysis; or

(B) would be part of any environmental document required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(C) may substantially and materially affect the project.

(2) Time limits and concurrent review.—The Secretary and the head of each Federal agency identified under paragraph (1) shall jointly develop and establish time periods for review for—

(i) conduct an environmental-related review or analysis; or

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(3) Factors to be considered.—Time limits established under this section unless the Secretary determines are necessary for the environmental review; and

(B) if such time limits are less than the customary time necessary for such review.

(f) Judicial review and savings clause.—Nothing in this section on the performance of the Administration shall affect the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or any other Federal environmental statute or any other Federal environmental statute or any other Federal environmental statute or any other Federal environmental statute.

Savings clause.—Nothing in this section on the performance of the Administration shall affect the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or any other Federal environmental statute or any other Federal environmental statute or any other Federal environmental statute.

IV. Clarification of Regulatory Approval Process.

Section 1007(b)(3)(B) is amended—

(1) by striking "$100,000,000" each place it appears and inserting "$250,000,000"; and

(2) by striking subparagraph (A) and inserting the following:

[(A) by inserting "substantial and" before "material"; and

(B) by inserting "or" after the semicolon at the end; and

(iv) by striking subclauses (II), (III), and (IV) and inserting the following:]
(b) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, for fiscal year 2000, not to exceed $1,500,000 may be used to carry out this section.

SEC. 308. FAILURE TO MEET RULEMAKING DEADLINE.
Section 106(f)(3)(A) is amended by adding at the end of the following: “If the Administrator does not meet a deadline specified in this subparagraph, the Administrator shall notify the Board and the Department of Transportation of the need to extend the deadline, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.”

SEC. 309. FEDERAL PROCUREMENT INTEGRITY ACT.
Section 435(b)(2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 40101 note; 106 Stat. 460) is amended by striking the period at the end and inserting the following: “, other than the deadline specified in this subparagraph, the Administrator shall notify the Board and the Department of Transportation of the need to extend the deadline, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.”

SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.
(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—(1) IN GENERAL.—Section 1136(g)(2) is amended—
(A) by striking “transportation,” and inserting “transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,”; (B) by inserting after “attorney” the following: “(including any associate, agent, employee or other representative of an attorney)”;
(C) by striking “30th day” and inserting “45th day”;
(2) Enforcement.—Section 1151 is amended by inserting “1136(g)(2),” before “or 1155(a)”, each place it appears.
(b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—Section 1136(g) is amended by adding at the end the following:
(3) LIMITATION ON LIABILITY.—Section 1131(d) is amended by inserting “, or in providing information concerning a flight reservation,” before “pursuant to a plan.”
(c) LIMITATION ON STATUTORY CONSTRUCTION.—Section 41133 is amended by adding at the end the following:
(5) CONFORMING AMENDMENTS.—Section 41133 is amended—
(A) in subsection (a) by striking “Not later than 6 months after the date of the enactment of this section,” and inserting “Each air carrier”; and 
(B) in subsection (a) by striking “After the date that is 6 months after the date of the enactment of this section, the Secretary and” and inserting “The Secretary.”
(b) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by the amendment made by paragraph (a) by not more than 2 years if the Administrator finds that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.
(c) INCLUDED PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 1139(h)(2) is amended to read as follows:
“(2) PASSENGER.—The term ‘passenger’ includes—
(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and
(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.”.

SEC. 402. AIR CARRIER PLANS.
(a) CONTENTS OF PLANS.—
(1) CONTENTS OF PLANS.—Section 41113(b) is amended by adding at the end the following:
“(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger’s name appears on a manifest for the flight involved in the accident.”.
(2) TRAINING OF EMPLOYEES AND AGENTS.—Section 41133 is amended by adding at the end the following:
“(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.”.
(3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41133(b) is further amended by adding at the end the following:
“(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to the families of passengers involved in an accident outside the United States in the case of an aircraft accident that meets the requirement of the amendment made by paragraph (1),
(a) I NCLUSION OF NONREVENUE PASSENGERS.—Section 41313(b) is amended by inserting “(including the Act entitled ‘An Act relating to the maintenance of action for death on the high seas and other navigable waters’, approved March 30, 1920, commonly known as the Death on the High Seas Act [46 U.S.C. App. 761–767; 41 Stat. 337–347, commonly known as TCA]’.”
(b) APPLICABILITY.—The amendment made by subsection (a) applies to civil actions commenced after the date of enactment of this Act.

SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINES.
(1) IN GENERAL.—Title V—SAFETY
SEC. 403. FOREIGN AIR CARRIER PLANS.
(a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is amended to read as follows:—
“(2) PASSENGER.—The term ‘passenger’ has the meaning given such term by section 1136 of this title.”
(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 41313(b) is amended by striking “significant” and inserting “major.”
(c) CONTENTS OF PLANS.—(1) IN GENERAL.—Section 41313(c) is amended by adding at the end the following:—
(2) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.
“(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that the air carrier, in the event that the air carrier volunteers assistance to the families of passengers involved in an accident outside the United States in the case of an aircraft accident that meets the requirement of the amendment made by paragraph (1),
(a) I NCLUSION OF NONREVENUE PASSENGERS.—Section 41313(b) is amended by inserting “(including the Act entitled ‘An Act relating to the maintenance of actions for death on the high seas and other navigable waters’, approved March 30, 1920, commonly known as the Death on the High Seas Act [46 U.S.C. App. 761–767; 41 Stat. 337–347, commonly known as TCA]’.”
(b) APPLICABILITY.—The amendment made by subsection (a) applies to civil actions commenced after the date of enactment of this Act.

SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.
Section 49306 is amended—
(1) in paragraph (1)(B) by inserting "(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)" after "person" the first place it appears;

(2) in paragraph (1)(B)(ii) by striking "individual" the first place it appears and inserting "individual's performance as a pilot";

(3) in paragraph (14)(B) by inserting "or from a foreign government or entity that employed the individual" after "exists"; and

(4) by striking at the end the following:

"(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records in paragraph (3), the Administrator may allow, under terms established by the Administrator, a designated individual to have electronic access to a specified database containing information about such records."

SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

Section 347(b)(1) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by inserting before the semicolon at the end the following: "including the provisions for investigation and enforcement as provided in chapter 12 of title 5, United States Code."

SEC. 504. SAFETY RISK MITIGATION PROGRAMS.

Section 44701 is further amended by adding at the end the following:

"(g) SAFE RISK MANAGEMENT PROGRAM GUIDELINES.—The Administrator shall issue guidelines and encourage the development of safety risk mitigation programs throughout the aviation industry, including self-audits and self-disclosure programs."

SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 30 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carrier and their employees from civil enforcement actions under the program known as Flight Operations Quality Assurance. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule establishing such procedures.

SEC. 506. AIRPORT CERTIFICATION.

Not later than 60 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from civil enforcement actions under the program known as Flight Operations Quality Assurance. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule implementing such procedures.

SEC. 507. LIFE-LIMITED AIRCRAFT PARTS.

(a) In General.—Chapter 447 is amended by adding at the end the following:

"§ 44725. Life-limited aircraft parts

"(a) The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft.

"(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

"(1) the part may be segregated under circumstances that preclude its installation on an aircraft;

"(2) the part may be permanently marked to indicate its used life status;

"(3) the part may be destroyed, in any manner calculated to prevent reinstallation in an aircraft;

"(4) the part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the part is marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service;

"(5) Any other method approved by the Administrator.

"(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall:

"(1) not later than 180 days after the date of the enactment of this section, issue a notice of proposed rulemaking; and

"(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

"(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed before the effective date of the rules issued before subsection (a), nor shall any such rule forgoto other than an otherwise air-worthy life-limited part.

"(e) CIVIL PENALTY.—Section 46301(a)(3) is amended—

"(1) in subparagraph (A) by striking or" at the end;

"(2) in subparagraph (B) by striking the period at the end and inserting semicolon;

"(3) by adding at the end the following:

"(C) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts;

"(f) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

"§ 44725. Life-limited aircraft parts.

SEC. 508. FAA MAY FINE UNRULY PASSENGERS.

(a) In General.—Chapter 447 is amended—

"(1) by redesignating section 46316 as section 46317;

"(2) by inserting after section 46315 the following:

"§ 46316. Interference with cabin or flight crew

"(a) CIVIL PENALTY.—An individual who interferes with the responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than $25,000.

"(b) BAN ON FLYING.—If the Secretary finds that an individual has interfered with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft in a way that poses an imminent threat to the safety of the aircraft or individuals aboard the aircraft, the individual may be banned by the Secretary for a period of 1 year from flying on any aircraft operated by an air carrier.

"(c) RULES.—The Administrator shall issue regulations to carry out subsection (b), including establishing procedures for imposing bans on flying, implementing such bans, and providing notification to air carriers of the imposition of such bans.

"(d) COMPROMISE AND SETTLEMENT.—Section 46301(f)(1)(A)(i) is amended by inserting "46316," before "46317.

"(e) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by striking the item relating to section 46316 and inserting after the item relating to section 46315 the following:

"46316. Interference with cabin or flight crew.

"46317. General criminal penalty when specified penalty not provided."

SEC. 509. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Not later than March 1, 2000, and annually thereafter for the next 5 years, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system. At a minimum, the report shall indicate—

"(1) any funding or staffing constraints that would adversely impact the Administration's ability to fully develop and implement such system;

"(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

"(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for the air transportation oversight system.

SEC. 510. AIRPLANE EMERGENCY LOCATORS.

(a) Requirement.—Section 44712(b) is amended to read as follows:

"(b) Nonapplication.—Subsection (a) does not apply to—

"(1) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

"(2) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

"(3) aircraft when used in flight operations related to the design and testing, manufacture, preparation, life-limited aircraft parts;

"(4) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

"(5) aircraft when used in showing compliance with regulations crew training, exhibition, air racing, or market surveys; and

"(6) aircraft when used in the aerial application of a substance for an agricultural purpose.

"(b) LIMITATION.—An aircraft with a maximum payload capacity of more than 7,500 pounds when used in air transportation or

"(c) AIRCRAFT.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).

"(c) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).

"(d) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).

"(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 511. AIRCRAFT OVERSIGHT ACT.

(a) FINDINGS.—Congress finds that—

"(1) collisions between aircraft and birds have resulted in fatal accidents;
(2) bird strikes pose a special danger to smaller aircraft;
(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;
(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;
(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety;
(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) L I M I T A T I O N ON CONSTRUCTION. Ð Section 44718(d) is amended to read as follows:

(1) by striking ``A person'' and inserting ``(a) GENERAL.ÐA person''; and

(2) taking into account the need for different requirements for airports depending on their size.

Section 4362 is amended—

(1) by striking “A person” and inserting “(a) GENERAL.–A person”;

(2) by adding at the end the following:

``(b) K NOWLEDGE OF REGULATIONS.ÐFor purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement of such regulations or privi-

SEC. 515. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

(a) S T U D Y.ÐThe Administrator shall con-

SEC. 516. AIRPORT DISPATCHERS.

(a) S T U D Y.ÐThe Administrator shall con-

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.

The Administrator shall form a partner-

SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) D ISCRIMINATION AGAINST AIRLINE EM-

SEC. 603. PROTECTION OF AIRCRAFT SAFETY PRO-

§ 42121. Protection of employees providing air safety information

(a) DISCRIMINATION AGAINST AIRLINE EMP-

(b) D E P A R T M E N T OF LABOR COMPLAINT

SEC. 614. REPORT.

Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 512. AMENDMENT OF STATUTE PROHIBITING THE BRINGING OF HAZ-

A R D O U S SUBSTANCES ABOARD AN AIRCRAFT.

Section 4362 is amended—

(1) by striking “A person” and inserting “(a) GENERAL.–A person”;

(2) by adding at the end the following:

``(b) K NOWLEDGE OF REGULATIONS.ÐFor purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement of such regulations or privi-

SEC. 513. AIRPORT SAFETY NEEDS.

The Administrator shall initiate a rule-

making proceeding to consider revisions of part 139 of title 14, Code of Federal Regulations, to meet current and future airport safety needs—

(1) including, but not limited to, on the mis-

SEC. 514. LIMITATION ON ENTRY INTO MAINTENANCE IMPLEMENTATION PROCEDURES.

The Administrator may not enter into any maintenance implementation procedure through a bilateral aviation safety agree-

ment unless the Administrator determines that the participating nations are inspecting repairs to aircraft with the same comprehensiveness and quality as under the Federal Aviation Administration with the standards of the Federal Aviation Administration.
"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue final orders providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection is terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

(i) take affirmative action to abate the violation;

(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

"(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorney's fee not exceeding $5,000.

"(4) REVIEW.—

(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complaint was filed and that portion of the order relating to the terms, conditions, and privileges associated with the complainant's employment, if the order is not the subject of judicial review in any criminal or civil proceeding.

(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR; REMEDIES AVAILABLE TO PERSONS.—

(A) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—If such an order is issued under this section, the Secretary of Labor shall order the person against whom the order is issued to—

(i) take affirmative action to abate the violation; and

(ii) pay to the complainant a reasonable attorney and expert witness fee to any party whenever the court determines such award is appropriate.

(B) REMEDY.—The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(C) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award to the prevailing employer a reasonable attorney and expert witness fees to any party whenever the court determines such award is appropriate.

"(D) NONAPPLICATION TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to air carrier safety.

"(E) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.

"(F) INJUNCTIVE RELIEF.—In any proceeding under this section, the United States may award the prevailing party costs of litigation (including reasonable attorney fees) not exceeding $5,000.

"(G) PROTECTION OF PERSONS PROVIDING PROTECTION PROGRAMS.—Section 4212. Protection of employees providing air safety information.

SEC. 602. CIVIL PENALTY.

Section 4213(a) is amended by striking "subsection II of chapter 421" and inserting "subsection II or III of chapter 421".

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(3)(A) is amended by striking "4013(a), (c), and (d)," and all that follows through "45302±45304," and inserting "4013(a), (c), (d), (f), (g), (i), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), and (z)," and (4), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44508, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44904, 44905, 44907±44911, 44913, 44915, and 44916), chapter 453, chapter 453, sections 453, 453, 4543, chapter 453, chapter 453, sections 453.

SEC. 702. PUBLIC AIRCRAFT.

(a) RESTATEMENT OF DEFINITION OF PUBLIC AIRCRAFT.—

Section 40113(a), 40113(c), 40113(d), 40113(e), 40114(a), 40125(d).''.

(b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.—

(1) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

"40125. Qualifications for public aircraft status.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL PURPOSES.—The term 'commercial purposes' means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for the purpose of transportation when reimbursement is required by Federal law or by one government on behalf of another government under a cost reimbursement agreement if the government whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

"(2) GOVERNMENTAL PURPOSE.—The term 'governmental purpose' means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

"(3) QUALIFIED NON-CREWMEMBER.—The term 'qualified non-crewmember' means an individual, other than a member of the crew, aboard an aircraft.

"(4) ARMED FORCES.—An aircraft described in section 40102(a)(38) qualifies as a public aircraft except when it is used for commercial purposes.

"(5) NONAPPLICABILITY TO DELIBERATE VIO- LATIONS.—Subsection (a) shall not apply with respect to an aircraft charter to a government; or

(c) SAFETY OF PUBLIC AIRCRAFT.—

(1) STUDY.—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.
SEC. 703. PROHIBITION ON RELEASE OF OFFER- OR PROPOSALS.

Section 40111 is amended by adding at the end the following:

"(d) Prohibition on Release of Offer or Proposals.—

(1) General Rule.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5, United States Code.

(2) Exception.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

(3) Proposal Defined.—In this subsection, the term `proposal' means information originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.

SEC. 704. MULTIYEAR PROCUREMENT CONTRACTS.

Section 40111 is amended—

(1) by redesignating subsections (a) through (d) as subsections (a) through (e), respectively; and

(2) by inserting after subsection (a) the following:

"(b) Telecommunications Services.—Notwithstanding section 1341(a)(1)(B) of title 31, the Administrator may make a contract of not more than 10 years for telecommunications services that are provided through the use of a satellite if the Administrator finds that the longer contract period would be cost beneficial to the Government;"

SEC. 705. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) Mediation.—Section 40122(a)(2) is amended by striking the period at the end of par 10

SEC. 706. NONDISCRIMINATION IN AIRLINE TRAFFIC.

(a) Discriminatory Practices.—Section 41310(a) is amended to read as follows:

"(a) Prohibitions.—

"(1) In general.—An air carrier or foreign air carrier may not subject a person, place, port, or type of traffic in foreign air transportation to unreasonable discrimination.

"(2) Discrimination Against Persons.—An air carrier or foreign air carrier may not subject a person in foreign air transportation to discrimination on the basis of race, color, national origin, religion, or sex.

(b) Interstate Air Transportation—Section 41702 is amended—

"(1) by striking "air carrier" and inserting "(a) Safe and Adequate Air Transportation—An air carrier"; and

"(2) by adding at the end the following:

"(b) Discrimination Against Persons.—An air carrier may not subject a person in interstate air transportation to discrimination on the basis of race, color, national origin, religion, or sex.

(c) Discrimination Against Handicapped Individuals by Foreign Air Carriers.—Section 41705 is amended—

"(1) by inserting after "General Prohibition"—

"(2) by adding at the end the following:

"(b) Prohibition Applicable to Foreign Air Carriers.—Subject to section 40105(b), the prohibition on discrimination against an otherwise qualified individual set forth in subsection (a) shall apply to a foreign air carrier providing foreign air transportation.

(d) Civil Penalties for Violations of Prohibition on Discrimination Against Handicapped Individuals by Foreign Air Carriers.—Section 41705(b) is further amended by adding at the end the following:

"(E) A violation of section 41705, relating to discrimination against handicapped individuals.

(e) International Aviation Standards for Accommodating the Handicapped.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards, if appropriate, for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code share with domestic air carriers.

SEC. 707. JOINT VENTURE AGREEMENT.

Section 417B(a)(3) is amended by striking "an agreement entered into by a major air carrier" and inserting "an agreement entered into between two or more major air carriers".

SEC. 708. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Sections 43310 is amended by striking "after" and all that follows and inserting "after December 31, 2001.

SEC. 709. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 46503 is further amended by adding at the end the following:

"(f) Improvements on Leased Property.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if it is determined that the improvements primarily benefit the Government.

"(g) The improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

"(h) The interest of the Government in the improvements is protected.

SEC. 710. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) Bilateral Exchanges of Safety Oversight Responsibilities.—

"(1) In general.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange information with that country regarding their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Agreement for Joint Air Traffic Control); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

"(2) Relinquishment and Acceptance of Responsibility.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the following Articles for aircraft registered abroad and described in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to those Articles for aircraft registered in the United States transferred by the Administrator as specified in the bilateral agreement, under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

"(e) Registered Aircraft Defined.—In this section, the term `registered aircraft' means—
Section 4703 is amended—

(1) by striking subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) PUBLIC INFORMATION.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records relating to any airmen certificate issued under this section that is limited to an airmen’s name, address, and ratings held shall be made available to the public after the 120th day following the date of the enactment of the Aviation Investment and Reform Act for the 21st Century.

"(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airmen available to the public under paragraph (1), the airmen shall be given an opportunity to elect that the information not be made available to the public.

"(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of the enactment of the Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airmen available to the public under paragraph (1) and to carry out paragraph (2)."

SEC. 712. APPEALS OF EMERGENCY REVOCATIONS OF CERTIFICATES.

Section 4703(e) is amended to read as follows:

"(e) Effectiveness of Orders Pending Appeal.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if a person files an appeal with the Board under section (d), the order of the Administrator is stayed.

"(2) EMERGENCIES.—If the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately, the effectiveness of the order shall not be stayed and a person filing an appeal under subsection (d) may file a written petition to the Board for an emergency stay on the issues of the appeal that are related to the existence of the emergency. The Board shall have 10 days to review the materials. If any two members of the Board determine that sufficient grounds exist to grant a stay, an emergency stay shall be granted. If an emergency stay is granted, the Board must meet within 15 days of the granting of the stay to make a final disposition of the issues related to the existence of the emergency.

"(3) Final Disposition of Appeal.—In all cases, the Board shall make a final disposition of the appeal not later than 60 days after the Administrator advises the Board of the order."

SEC. 713. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 4703 is amended by adding at the end the following:

"(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at individual airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees.

SEC. 714. PASSENGER MANIFEST.

Section 49403(a)(2) is amended by striking ‘‘shall’’ and inserting ‘‘may’’.

SEC. 715. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) Services (other than air traffic control services) provided to a foreign government or to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related services performed outside the United States pursuant to aeronautical products manufactured outside the United States.”;

and

(2) by adding at the end the following:

"(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term ‘production-certification related service’ has the meaning given that term in appendix C of part 14, Code of Federal Regulations.”

SEC. 716. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking ‘‘46302, 46303, or’’;

(2) in subsection (d)(7)(A) by striking ‘‘an individual’’ the first place it appears and inserting ‘‘a person’’; and

(3) in subsection (g) by inserting ‘‘or the Administrator’’ after ‘‘Secretary’’.

SEC. 717. WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

(a) Waivers for Aircraft Not Complying with Stage 3 Noise Levels.—Section 47529(b)(1) is amended in the first sentence by inserting ‘‘or foreign air carrier’’ after ‘‘air carrier’’.

(b) Exception for Aircraft Modification or Disposal.—Section 47528—

(1) in subsection (a)(1)(A) by striking ‘‘or (f)’’ after ‘‘(b)’’; and

(2) by adding at the end the following:

"(f) AIRCRAFT MODIFICATION OR DISPOSAL.—After December 31, 1999, the Secretary may provide a procedure under which a person may operate a stage 1 or stage 2 aircraft in nonrevenue service to or from an airport in the United States in order to—

"(1) sell the aircraft outside the United States;

"(2) sell the aircraft for scrapping; or

"(3) obtain modifications to the aircraft to meet stage 2 levels.

(c) Limited Operation of Certain Aircraft.—Section 47528(e) is amended by adding at the end the following:

"(4) An air carrier operating stage 2 aircraft under this subsection may operate stage 2 aircraft to or from the 48 contiguous States on a nonrevenue basis in order to—

"(A) perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraphs (2)(B) or (G) contained within the limitations of paragraphs (2)(B).

SEC. 718. METROPOLITAN WASHINGTON AIRPORT AUTHORITY.

(a) Extension of Application Approvals.—Section 49105 is amended by striking ‘‘2001’’ and inserting ‘‘2004’’.

(b) Elimination of Deadline for Appointment of Members to Board of Directors.—Section 40106(c)(6) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

SEC. 719. ACQUISITION MANAGEMENT SYSTEM.

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (36 U.S.C. 60 note; 109 Stat. 460) is amended by striking subsection (c) and inserting the following:

"(c) CONTRACTS EXTENDING INTO A SUBSEQUENT FISCAL YEAR.—Notwithstanding subsection (b)(3), the Administrator may enter into contracts for procurement of severable services that begin in one fiscal year and end in another if (without regard to any option to extend the period of the contract) the contract period does not exceed 1 year.

SEC. 720. CENTENNIAL OF FLIGHT COMMISSION.

(a) Membership.—

(1) APPOINTMENT.—Section 4(a)(5) of the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3407) is amended by inserting ‘‘, or his designee,’’ after ‘‘prominent’’.

(2) STATUS.—Section 4 of such Act (112 Stat. 3407) is amended by adding at the end the following:

"(g) STATUS.—The members of the Commission described in paragraphs (1), (4), and (5) of such Act are considered to be officers or employees of the United States.

(b) Duties.—Section 5(a)(7) of such Act (112 Stat. 3408) is amended to read as follows:

"(7) as a nonproprietary purpose, publish popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.''

SEC. 721. ACQUISITION MANAGEMENT SYSTEM.

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (36 U.S.C. 60 note; 109 Stat. 460) is amended—

(1) in subsection (a) by inserting ‘‘or (f)’’ after ‘‘(b)’’;

(2) in subsection (d)(7)(A) by striking ‘‘an’’;

(3) in subsection (g) by inserting ‘‘or the Administrator’’ after ‘‘Secretary’’.

SEC. 722. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator and any manufacturer or producer of aircraft situational display data from the Federal Aviation Administration shall require that—
(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data not to exceed the display of identified aircraft registration number; and
(2) the person agree to block selectively the aircraft registration numbers of any aircraft operated or controlled by the Administration.

SEC. 727. NEWPORT NEWS, VIRGINIA.
(a) Authority To Grant Waivers.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947) or section 47125 of title 49, United States Code, for fiscal year 2000, $2,000,000 may be used for the development of a new airport at Newport News, Virginia.

SEC. 728. GULFPORT, MISSISSIPPI.
(a) Establishment of Panel.—The Secretary shall establish a panel to review issues related to the use and oversight of aircraft and maintenance facilities.
(b) Membership.—The panel shall consist of
(1) one member appointed by the Secretary as follows:
(A) three representatives of labor organizations representing aviation mechanics;
(B) one representative of cargo air carriers;
(C) one representative of passenger air carriers;
(D) one representative of aircraft repair facilities;
(E) one representative of aircraft manufacturers;
(F) one representative of on-demand passenger air carriers and corporate aircraft operations; and
(G) one representative of regional passenger air carriers.

§ 729. OPERATIONS OF AIR TAXI INDUSTRY.
(a) In General.—(1) The Secretary of Transportation shall establish and conduct an aviation safety study on the operation of air taxi services.
(b) Study.—The study shall include an analysis of the size and type of the aircraft used, relevant aircraft equipment, hours of flight time, and flight rules contained in part 91 of title 14, Code of Federal Regulations.

§ 730. REGULATION OF ALASKA GUIDE PILOTS.
(a) In General.—(1) Each holder of a pilot certificate who is authorized to operate in the State of Alaska shall be required to hold a guide pilot certificate.
(b) Waiver.—(1) Any waiver granted by the Administrator under paragraph (1) shall require the pilot to
(A) operate aircraft in accordance with the regulations of the Administrator;
(B) maintain records of the time spent in the operation of aircraft; and
(C) provide to the Administrator a report of the flights operated.

§ 731. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL.
(a) Establishment of Panel.—(1) The Administrator shall establish an Advisory Panel to consist of
(A) three representatives of labor organizations representing aviation mechanics;
(B) one representative of cargo air carriers;
(C) one representative of passenger air carriers; and
(D) one representative of aircraft repair facilities;
(E) one representative of aircraft manufacturers;
(F) one representative of on-demand passenger air carriers and corporate aircraft operations; and
(G) one representative of regional passenger air carriers.

§ 732. REGULATION OF ALASKA GUIDE PILOTS.
(a) In General.—(1) Each holder of a pilot certificate who is authorized to operate in the State of Alaska shall be required to hold a guide pilot certificate.
(b) Waiver.—(1) Any waiver granted by the Administrator under paragraph (1) shall require the pilot to
(A) operate aircraft in accordance with the regulations of the Administrator;
(B) maintain records of the time spent in the operation of aircraft; and
(C) provide to the Administrator a report of the flights operated.
flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 729. SENSE OF THE CONGRESS CONCERNING COMPLETION OF COMPREHENSIVE NATIONAL AIRSPACE REDESIGN.

It is the sense of the Congress that, as soon as is practicable, the Administrator should complete and begin implementation of the comprehensive national airspace redesign that is being conducted by the Administrator.

SEC. 729A. COMPLIANCE WITH REQUIREMENTS.

Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the proposed new construction or expansion. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 729B. AIRCRAFT NOISE LEVELS AT AIRPORTS.

(a) DEVELOPMENT OF NEW STANDARDS.—The Secretary of Transportation shall continue to work to develop a new standard for aircraft noise levels that will lead to a further reduction in aircraft noise levels.

(b) REPORT.—Not later than March 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the applicability of new standards or technologies to reduce aircraft noise levels.

SEC. 730. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS.

The Administrator is encouraged to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

SEC. 732. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) APPROVAL OF SALE.—To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to aviation community beyond the expiration of the City of Cincinnati’s grant obligations, the Secretary of Transportation may approve the sale of Cincinnati-Municipal Blue Ash Airport from the City of Cincinnati to the City of Blue Ash upon a finding that the City of Blue Ash meets all applicable requirements for sponsorship and if the City of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described in the Blue Ash Master Plan Update dated November 30, 1996, for a period of 20 years from the date existing grant assurance obligations of the City of Cincinnati expire.

(b) TREATMENT OF PROCEEDS FROM SALE.—The proceeds from the sale approved under subsection (a) shall not be considered to be airport revenue for purposes of section 47107 of title 49, United States Code, or grant obligations of the City of Cincinnati, or regulations and policies of the Federal Aviation Administration.

SEC. 733. AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) AUTHORITY TO SELL.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense shall, by the date of enactment of this Act, sell the aircraft and aircraft parts under this section.

(2) CONDITIONS OF SALE.—The sale of aircraft and aircraft parts under subsection (a) shall be made at a fair market value, subject to subsection (b) or pursuant to an agreement with, a nonprofit organization for the benefit of which the aircraft and aircraft parts will be used.

(b) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be deposited into the general fund of the Treasury.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the sale of aircraft and aircraft parts under this section. The report shall set forth—

(1) the number and types of aircraft sold under subsection (a), the terms and conditions under which the aircraft were sold; and

(2) the persons or entities to which the aircraft were sold; and

(d)搶助于 the net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be deposited into the general fund of the Treasury.

SEC. 734. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS.

(a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—Section 41330 is amended by adding at the end the following:

"(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers necessary to ensure that a foreign CRS system firm which is subject to section 41310 is operating for the delivery of aircraft and aircraft parts under this section.

(b) COMPLAINTS BY CRS FIRMS.—Section 41330 is amended—

(1) in subsection (d), by striking "air carrier" in the first sentence and inserting "air carrier, computer reservations system firm;";

(2) by striking subsection (c) and inserting subsection (c) or (g); and

(c) by striking "air carrier" in subparagraph (B) and inserting "air carrier or computer reservations system firm subject to subsection (a) before the period at the end of the first sentence.

SEC. 735. ALKALI SILICA REACTIVITY DISTRESS.

(a) IN GENERAL.—The Administrator may make a grant to, or enter into a cooperative agreement with, a nonprofit organization for the conduct of a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium silicas and other alternatives for mitigation and prevention of such distress.

(b) REPORT.—Not later than 18 months after making a grant, or entering into a cooperative agreement, under subsection (a), the Administrator shall transmit a report to Congress on the results of the study.
SEC. 736. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

SEC. 737. LAND USE COMPLIANCE REPORT.

Section 4713I is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ";"; and

(3) by adding at the end the following:

"(2) A detailed statement listing airports that are not in compliance with grant assurances or other requirements with respect to airport land uses, including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.".

SEC. 738. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed $1,000,000 for each of fiscal years 2000 and 2001 may be made available by the Secretary of Transportation to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

(1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administration; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

SEC. 739. MONROE REGIONAL AIRPORT LAND CONVEYANCE.

The Secretary of Transportation shall waive all terms contained in the 1949 deed of conveyance under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the City of Monroe, Louisiana, subject to the following conditions:

(1) The city agrees that in conveying any interest in such property the city will receive an amount for such interest that is equal to the fair market value for such interest.

(2) The amount received by the city for such conveyance shall be used by the city—

(A) for the development, improvement, operation, or maintenance of a public airport; or

(B) for the development or improvement of the city's airport industrial park co-located with the Monroe Regional Airport to the extent that such development or improvement will result in an increase, over time, in the amount the industrial park will pay to the airport to an amount that is greater than the amount the city received for such conveyance.

SEC. 740. AUTOMATED WEATHER FORECASTING SYSTEMS.

(a) CONTRACT FOR STUDY.—The Administrator shall contract with the National Academy of Sciences to conduct a study of the effectiveness of the automated weather forecasting systems of covered flight service stations solely with regard to providing safe and expeditious operations.

(b) COVERED FLIGHT SERVICE STATIONS.—In this section, the term "covered flight service station" means a flight service station where automated weather observation constitutes the entire observation and no additional weather information is added by a human weather observer.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report of the study.

SEC. 741. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on noise contours in the Phoenix, Arizona, region.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit a report to Congress containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region.

SEC. 742. NONMILITARY HELICOPTER NOISE.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) CONSIDERATION OF VIEWS.—In conducting the study under this section, the Secretary shall consider the views of representatives of the helicopter industry and representatives of organizations with an interest in reducing nonmilitary helicopter noise.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study under this section.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "National Parks Air Tour Management Act of 1999.

SEC. 802. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights of public and tribal lands;

(3) the National Park Service has the responsibility to conserve and protect the national parks and cultural and natural objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, consisting of operators of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 is further amended by adding at the end the following:

"(8) A commercial air tour operator that conducts such activity in a national park shall apply to the Administrator for authority to conduct the activity in such national park.

"(b) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specific time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations.

The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

"(i) the safety record of the person submitting the proposal or pilots employed by the person;

"(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

"(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

"(iv) the financial capability of the company;

"(v) any training programs for pilots provided by the person submitting the proposal; and

"(vi) the effectiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

"(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators that conduct such operations, the current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

"(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

"(E) EXCEPTION.—If a commercial air tour operator secures a letter of agreement from the Administrator and the superintendent of a park, the Administrator, in cooperation with the Director, shall issue an air tour management plan containing the provisions described in this subsection."
for the national park that describes the conditions under which the commercial air tour operation will be conducted, then notwithstanding paragraph (1), the commercial air tour operator conducting such air tours over the national park under part 91 of title 14, Code of Federal Regulations, if such activity is permitted under part 119 of such title.

(B) LIMIT ON EXCEPTIONS.—Not more than five flights in any 30-day period over a single national park may be conducted under this paragraph.

(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (d), an existing commercial air tour operator may conduct such air tours, if the air tour management plan in effect when such air tours are conducted provides for adequate procedures to ensure the safety of participants in such air tours.

(B) LIMIT ON EXCEPTIONS.—Not more than five flights in any 30-day period over a single national park may be conducted under this paragraph.

(5) the route of flight;

(6) the area of operation;

(7) the number of flights per 12-month period conducted during any time period by the air tour operator that—

(A) may apply for such authority before conducting commercial air tour operations over a national park and tribal lands; and

(B) SUBPARA-

(C) any unit of the National Park System located in Alaska or any other land or water located in Alaska.

(D) LIMIT ON EXCEPTIONS.—Not more than five flights in any 30-day period over a single national park may be conducted under this paragraph.

(E) The term ‘new entrant commercial air tour operator’ means a commercial air tour operator that was originally granted unless such an increase is agreed to by the Administrator and the Director.

(F) The term ‘existing commercial air tour operator’ means any person who Conducts a commercial air tour operation.

(G) The term ‘new entrant commercial air tour operator’ means a commercial air tour operator that was actively engaged in the business of providing commercial air tours over a national park or the tribal lands during any time during the 12-month period ending on the date of the enactment of this section.

(H) The term ‘new entrant commercial air tour operator’ means a commercial air tour operator that—

(I) applies for operating authority as a commercial air tour operator for a national park; and

(J) has not engaged in the business of providing commercial air tours over a national park or tribal lands in the 12-month period preceding the application.

(K) has been granted interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park or tribal lands, for which the operator is an existing commercial air tour operator.

(L) REQUIREMENTS AND LIMITATIONS.—In granting interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park or tribal lands, the Administrator shall—

(M) permit operators to conduct air tours during the season or seasons covered by that 12-month period;
to ensure the safe operation of the aircraft; or

"(B) less than 1 mile laterally from any ge-

ographical feature within the park (unless more

than the boundary).

"(5) NATIONAL PARK.—The term ‘national

park’ means any unit of the National Park

System.

"(6) TRIBAL LANDS.—The term ‘tribal lands’

means Indian country (as that term is de-

fined in section 1351 of title 18) that is within

or abutting a national park.

"(7) DIRECTOR.—The term ‘Director’ means

the Administrator of the Federal Aviation

Administration.

"(8) DIRECTOR.—The term ‘Director’ means

the Director of the National Park Service.

"(9) DIRECTOR.—The term ‘Director’ means

the Director (or the designee of the Di-

rector) shall serve as ex officio members.

"(10) ADVISORY GROUP.—The term ‘adv-

isory group’ means an advisory group com-

posed of:

(a) a balanced group of—

(i) representatives of commercial air tour

operators;

(ii) representatives of the Federal Aviation

Administration; and

(iii) representatives of environmental con-

cerns; and

(b) representatives of Indian tribes.

"(11) REPRESENTATIVE OF THE NATIONAL

PARK SERVICE.—The term ‘representative of

the National Park Service’ means the Dir-

ector of the National Park Service.

"(12) OFFICIO MEMBERS.—The Admin-

istrator (or the designee of the Administrator)

and the Director (or the designee of the Di-

rector) shall serve as ex officio members.

"(13) CHAIRPERSON.—The chairperson of

the advisory group is first appointed.

"(14) IN GENERAL.—The advisory group

shall consist of not more than twelve mem-

bers.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group

shall be composed of:

(A) a balanced group of—

(i) representatives of commercial air tour

operators;

(ii) representatives of the Federal Aviation

Administration; and

(iii) representatives of environmental con-

cerns; and

(B) representatives of Indian tribes;

(C) a representative of the Federal Aviation

Administration; and

(D) a representative of the National Park

Service.

"(15) QUORUM.—A majority of the mem-

bers of the advisory group shall constitute

a quorum.

"(16) CHAIRPERSON.—The term ‘Chair-

person’ means the Director of the Federal

Aviation Administration.

"(17) DIRECTOR.—The term ‘Director’ means

the Director of the National Park Service.

"(18) FACA.—The Federal Advisory Com-

mittee Act (5 U.S.C. App.) does not apply to

members of the advisory group and their

staff.

"(19) NATIONALLY ORGANIZED.—The adm-

inistration is subject to the provisions of the

Federal Advisory Committee Act (5 U.S.C.

App.) does not apply to the advisory group,

clerical and other assistance.

"(20) NONAPPLICATION OF FACA.—Section 14 of

the Federal Advisory Committee Act (5

U.S.C. App.) does not apply to the advisory

group.

SEC. 804. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year

after the date of the enactment of this Act, the

Administrator and the Director of the National

Park Service shall jointly establish an

advisory group to provide continuing ad-

vice and counsel with respect to commercial

air tour operations over and near national

parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group

shall consist of:

(A) eight members, including:

(i) two representatives of the Federal

Aviation Administration; and

(ii) the Director of the National Park

Service.

(B) a representative of the Federal Avia-

tion Administration; and

(iii) representatives of environmental con-

cerns; and

(C) representatives of commercial air tour

operators.

"(2) DUTIES.—The advisory group shall pro-

vide advice, information, and recommenda-

tions to the Administrator and the Director

of:

(1) the implementation of this title and the

amendments made by this title;

(2) on commonly accepted quiet aircraft

technology for use in commercial air tour

operations over national parks (including

tribal lands), which will receive preferential

treatment in a given air tour management

plan;

(3) on other measures that might be taken

to accommodate the interests of visitors to

national parks; and

(4) at request of the Administrator and the

Director, safety, environmental, and other

issues related to commercial air tour op-

erations over a national park (including tribal

lands).

"(c) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—The

members of the advisory group who are not off-

cers or employees of the United States, while at-

tending conferences or meetings of the group

or otherwise engaged in its business, or while

serving away from their homes or regular

places of business, shall be allowed travel

expenses, including per diem in lieu of subsis-

tence, as authorized by section 5703 of title 5,

United States Code, for persons in the Gov-

ernment service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal

Aviation Administration and the National

Park Service shall jointly establish the ad-

visory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of

the Federal Advisory Committee Act (5

U.S.C. App.) does not apply to the advisory

group.

SEC. 805. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later

than 180 days after the date of the enactment

of this Act, the Administrator shall transmit

to Congress a report on the effects overflight

fees are likely to have on the commercial air
tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are

likely to have on Federal Aviation Adminis-

tration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—

(1) NOT LATER THAN 180 DAYS.—Not later

than 1 year after the date of the enactment

of this Act, the Administrator shall jointly

transmit a report to Congress on the effectiveness of this title in providing incentives for the develop-

ment and use of quiet aircraft technology.

SEC. 806. METHODOLOGIES USED TO ASSESS AIR
TOUR NOISE.

Any methodology adopted by a Federal agency to assess noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

SEC. 807. EXEMPTIONS.

(a) COMPENSATION AND TRAVEL.—Members

of the advisory group, while attending meet-
ings with the advisory group, shall be exempt

from any general budget limitation imposed by statute on expenditure of funds for the

services of their employees, and the re-

ceipts and disbursements of the Federal

Aviation Administration and the National

Park Service shall be apportioned under para-

graph (2) of section 203 of title 31, United

States Code, for persons in the Gov-

ernment as submitted by the President;

(b)QUIET AIRCRAFT TECHNOLOGY REPORT.—

Not later than 2 years after the date of the

enactment of this Act, the Administrator and

the Director shall jointly transmit a re-

port to Congress on the effectiveness of this

title in providing incentives for the develop-

ment and use of quiet aircraft technology.

SEC. 903. SAFEGUARDS AGAINST DEFICIT SPEND-

ING.

(a) IN GENERAL.—Subchapter I of chapter 47 is

further amended by adding at the end the

following:

"§ 47138. Safeguards against deficit spending

"(a) ESTIMATES OF UNFUNDED AVIATION Au-

THORIZATIONS AND NET AVIATION RECEIPTS.—

Not later than March 31 of each year, the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall estimate—

(1) the amount which would (but for this section) be the unfunded aviation authoriza-

tions at the close of the first fiscal year that

begins after that March 31; and

(2) the net aviation receipts to be credited to the Airport and Airway Trust Fund during the fiscal year.

"(b) PROCEDURE FOR EXCESS UNFUNDED AVI-

ATION AUTHORIZATIONS.—If the Secretary of

Transportation determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in sub-

section (a)(2), the Secretary shall determine the amount of such excess.

"(c) ADJUSTMENT OF AUTHORIZATIONS IF UN-

FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

(1) DETERMINATION OF PERCENTAGE.—If the

Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the per-

centage which—

(A) such excess, is of

(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

(2) AVAILABLE OF AMOUNTS PREVIOUSLY WITHHELD.—

"(1) ADJUSTMENT OF AUTHORIZATIONS.—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Sec-

ratory determines that it may be so in-

creased without causing the amount de-

scribed in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not more than the amount of the re-

duction).

"(2) APPORTIONMENT.—The Secretary shall apportion amounts made available for ap-

portionment that are not subject to an

excess as provided by paragraph (1).

"(3) PERIOD OF AVAILABILITY.—Any funds

appropriated under paragraph (2) shall remain available for the period for which they would have been available if such limit had

took effect with the fiscal year in which they are apportioned under subsection (2).

"(4) REPORTS.—Any estimate under sub-

section (a) and any determination under sub-

section (b), (c), or (d) shall be reported by the Secretary to Congress.

"(5) DEFINITIONS.—For purposes of this sec-

tion, the following definitions apply:

"(1) NET AVIATION RECEIPTS.—The term ‘net

aviation receipts’ means, with respect to any

period, the excess of—

(A) the total amount authorized to be ap-

propriated from the Airport and Airway

Trust Fund for the next fiscal year.

(B) the amounts to be transferred during

such period from the Airport and Airway

Trust Fund under section 9502(d) of the In-

ternal Revenue Code of 1986 (other than para-

graph (1) thereof).

"(2) UNFUNDED AUTHORIZATIONS.—The term 'unfunded aviation authorization' means, at any time, the excess (if any) of—

(A) the total amount authorized to be ap-

propriated from the Airport and Airway

Trust Fund which has not been appropriated, over
"(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unauthorized obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated)."

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended at the end by the following: "§47138. Safeguards against deficit spending."

SEC. 904. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

When the President submits the budget under section 106(k) of title 31, United States Code, for fiscal year 2001, the Director of the Office of Management and Budget shall, pursuant to section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, calculate and the budget shall include appropriate reductions to the discretionary spending limits for each of fiscal years 2001 and 2002 set forth in section 251(c)(5)(A) and section 251(c)(6)(A) of such Act (as adjusted under section 251 of such Act) to reflect the discretionary baseline trust fund spending (without any adjustment for inflation) for the Federal Aviation Administration that is subject to section 902 of this Act for each of those two fiscal years.

SEC. 905. APPLICABILITY.

This title (including the amendments made by this Act) shall apply to fiscal years beginning after September 30, 2000.

TITLE X—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

SEC. 1001. ADJUSTMENT OF TRUST FUND AUTHORIZATIONS.

(a) IN GENERAL.—Part C of subtitle VII is amended by adding after the following: "CHAPTER 483—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS"

"Sec.

48301. Definitions.
48302. Adjustments to align aviation authorizations with revenues.
48303. Adjustment to AIP program funding.
48304. Estimated aviation income.
48301. Definitions.

"In this chapter, the following definitions apply:"

"(1) BASE YEAR.—The term ‘base year’ means the second fiscal year before the fiscal year for which the calculation is being made.

(2) AIP PROGRAM.—The term ‘AIP program’ means the programs for which amounts are made available under section 48302.

(3) AVIATION INCOME.—The term ‘aviation income’ means the tax receipts credited to the Airport and Airway Trust Fund, and any income means the tax receipts credited to the Airport and Airway Trust Fund and any income.

(4) ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

SEC. 1002. BUDGET ESTIMATES.

Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 of changes in direct spending outlays and receipts for any fiscal year resulting from this title and title IX, including the amendments made by such titles.

SEC. 1003. SENSE OF THE CONGRESS ON FULLY OFFSETTING INCREASED AVIATION SPENDING.

It is the sense of the Congress that—

(1) air passengers and other users of the air transportation system pay aviation taxes into a trust fund dedicated solely to improve the safety, security, and efficiency of the aviation system;

(2) from fiscal year 2001 to fiscal year 2004, air passengers and other users will pay more than $34.3 billion more in aviation taxes into the Airport and Airway Trust Fund than the concurrent resolution on the budget for fiscal year 2000 provides from such Fund for aviation investment under historical funding patterns;

(3) the Aviation Investment and Reform Act for the 21st Century provides $14.3 billion more in aviation taxes into the Airport and Airway Trust Fund than the concurrent resolution on the budget for fiscal year 2000 provides from such Fund for aviation investment under historical funding patterns;

(4) this increased funding will be fully offset by recapturing unspent aviation taxes and reducing the $78 billion general tax cut assumed in that budget resolution by the application of the PAYGO provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 602 of the 1999 Emergency Supplemental Appropriations Act or the Aviation Investment and Reform Act for the 21st Century.

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by striking at the end of the following new subsection:

"(d) LIMITATION ON TRANSFERS TO TRUST FUND.—(1) Except as provided in paragraph (2), no amount may be appropriated to the Airport and Airway Trust Fund under this Act or the Aviation Investment and Reform Act for the 21st Century.

(2) From fiscal year 2001 to fiscal year 2004, the amounts appropriated for programs funded under this Act or the Aviation Investment and Reform Act for the 21st Century shall be subject to an obligation limitation.

SEC. 1101. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from the Airport and Airway Trust Fund) is amended—

(1) by striking December 31, 2000", and inserting "October 1, 2004"; and

(2) by inserting before the semicolon at the end the following "or

"in accordance with the provisions of this section.

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by striking at the end of such section the following:

"(d) LIMITATION ON TRANSFERS TO TRUST FUND.—(1) Except as provided in paragraph (2), no amount may be appropriated to the Airport and Airway Trust Fund under this Act or the Aviation Investment and Reform Act for the 21st Century.

(2) From fiscal year 2001 to fiscal year 2004, the amounts appropriated for programs funded under this Act or the Aviation Investment and Reform Act for the 21st Century shall be subject to an obligation limitation.

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(2) from fiscal year 2001 to fiscal year 2004, air passengers and other users will pay more than $34.3 billion more in aviation taxes into the Airport and Airway Trust Fund than the concurrent resolution on the budget for fiscal year 2000 provides from such Fund for aviation investment under historical funding patterns;

(3) the Aviation Investment and Reform Act for the 21st Century provides $14.3 billion more in aviation taxes into the Airport and Airway Trust Fund than the concurrent resolution on the budget for fiscal year 2000 provides from such Fund for aviation investment under historical funding patterns;

(4) this increased funding will be fully offset by recapturing unspent aviation taxes and reducing the $78 billion general tax cut assumed in that budget resolution by the application of the PAYGO provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 602 of the 1999 Emergency Supplemental Appropriations Act or the Aviation Investment and Reform Act for the 21st Century.

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by striking at the end of the following new subsection:

"(d) LIMITATION ON TRANSFERS TO TRUST FUND.—(1) Except as provided in paragraph (2), no amount may be appropriated to the Airport and Airway Trust Fund under this Act or the Aviation Investment and Reform Act for the 21st Century.

(2) From fiscal year 2001 to fiscal year 2004, the amounts appropriated for programs funded under this Act or the Aviation Investment and Reform Act for the 21st Century shall be subject to an obligation limitation.

SEC. 1101. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from the Airport and Airway Trust Fund) is amended—

(1) by striking October 1, 1998", and inserting "October 1, 2004"; and

(2) by inserting before the semicolon at the end the following "or

"in accordance with the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 602 of the 1999 Emergency Supplemental Appropriations Act or the Aviation Investment and Reform Act for the 21st Century.

This extension of expenditure authority is subject to an obligation limitation.

SEC. 1102. LIMITATION ON EXPENDITURE AUTHORITY.

The limitation on expenditure authority provided by paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from the Airport and Airway Trust Fund) shall not apply to—

(1) air passengers and other users of the air transportation system; and

(2) the safety, security, and efficiency of the transportation system.

The determination of whether an expenditure is so permitted shall be made without regard to—

(A) any provision of law which is not contained or referenced in this title or in a revenue Act; and

(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes."

A motion to reconsider was laid on the table.
Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

There was no objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATIVE AUTHORITIES OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) ESTABLISHMENT AND COMPOSITION.—Section 201 of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended—

(1) by striking section 202(f);

(2) such section shall include —

(A) in subsection (c) the following:

``(c) No construction shall extend in length along the curb of the existing building of the Carpenters and Joiners of America on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest, to be constructed in accordance with specifications approved by the Architect of the Capitol.``

(3) Such construction shall ensure access to any existing fire hydrants by keeping clear a minimum radius of 3 feet around any fire hydrants, or according to health and safety requirements as approved by the Architect of the Capitol.

Page 3, after line 4, insert:

``(c) No construction shall extend into the United States Capitol Grounds except as otherwise provided in section 1.``

Mr. SHUSTER (during the reading).

Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SHUSTER. Mr. Speaker, House Concurrent Resolution 167, as amended, would allow the Brotherhood of Carpenters and Joiners to commence the demolition of its headquarters building, located at 101 Constitution Avenue, by authorizing the Architect of the Capitol to permit the temporary closure of sidewalks and curbside parking along the front of the current structure.

The House considered this resolution Tuesday, and the other body more narrowly defined the conditions for these closures, as well as conditions for the continued services and access in the immediate vicinity of the construction site.

I support the measure and urge the House to accept these changes.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days within which to revise and extend their remarks on the several pieces of legislation just considered.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 664

Mr. MALONEY of Connecticut. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 664.

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

There was no objection.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998 AMENDMENTS

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S.1546) to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to the Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

(2) OTHER FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal department or agency may, upon a reimbursable or non-reimbursable basis, furnish services as may be necessary and appropriate to perform its functions.

(3) AUDIT.—The Comptroller General of the United States shall conduct a financial audit of the Commission for the purpose of determining the actual expenses incurred by the Commission and the use of appropriations made to the Commission for the fiscal year ending September 30, 1999. The results of that audit shall be submitted to the appropriate committees of Congress no later than the date prescribed for the submission of the Commission’s financial report detailing and identifying its activities necessary to the discharge of its functions under this title. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or pay.

(a) Cooperation with nongovernmental organizations, the Department of State, and the Commission shall seek to cooperate in the conduct of its functions with nongovernmental organizations in the promotion of religious freedom abroad, governmental and nongovernmental authorities in the performance of the Commission’s duties under this title.

(b) Conflict of interest and antinepotism.—

(1) Member affiliations.—Except as provided in paragraph (3), in order to ensure the independence and integrity of the Commission, the Commission may not compensate any member, any member’s family member, any member’s employee, or any person related to or affiliated with any member of the Commission, whether in that member’s direct employ or not. Staff employed by the Commission may not serve in the employ of any nongovernmental agency, project, or person related to or affiliated with any member of the Commission while employed by the Commission.

(2) Staff compensation.—Staff of the Commission may not receive compensation from any other person or entity for performing in carrying out the duties of the Commission while employed by the Commission.

(3) Exception.—Subject to subparagraph (B), paragraph (1) shall not apply to payments made for items such as conference fees or the purchase of periodicals or other similar expenses, if such payments would cause the aggregate value paid to any agency, project, or person for a fiscal year to exceed $250.

(4) Definitions.—In this subsection, the term “affiliated” means the relationship between a member of the Commission and—

(A) an individual who holds the position of officer, trustee, partner, director, or employee of an agency, project, or person of which that member, or relative of that member, or of which that member’s, or relative of that member’s, employee is an officer, trustee, partner, director, or employee; or

(B) a nongovernmental agency or project of which that member, or of which that member’s, or relative of that member’s, employee is an officer, trustee, partner, director, or employee.

(c) CONTRACT AUTHORITY.—

(1) In general.—Subject to the availability of funds, the Commission may contract with and compensate Government agencies or persons for the conduct of activities necessary to the discharge of its functions under this title. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or pay.

(2) EXPERT STUDY.—In the case of a study requested under section 605 of this Act, the Commission may, subject to the availability of funds, contracts, and regulations governing such gifts to be made available for conducting a study.

(3) GIFTS.—

(I) In general.—In order to preserve its independence, the Commission may not accept, use, or dispose of gifts or donations of services or property. An individual Commissioner or employee of the Commission may not, in his or her capacity as a Commissioner or employee, knowingly accept, use or dispose of gifts or donations of services or property, unless he or she in good faith believes that such gifts or donations have a value of less than $50 and a cumulative value during a calendar year of less than $100.

(II) Exceptions.—This subsection shall not apply to the following:

(A) Gifts provided on the basis of a personal friendship with a Commissioner or employee, unless the Commissioner or employee has reason to believe that the gift was provided because of the Commissioner’s or employee’s position and not because of the personal friendship.

(B) Gifts provided on the basis of a family relationship.

(C) The acceptance of training, invitations to attend or participate in conferences or other events as are related to the conduct of the duties of the Commission, or food or refreshments associated with such activities.

(D) Items of nominal value or gifts of estimated value of $10 or less.

(E) De minimis gifts provided by a foreign leader or official, not exceeding a value of $250. Gifts provided by Commissioners to be in excess of $200, in lieu of defense or embarrassment to the United States Government if refused, shall be accepted and turned over to the United States Government in accordance with the Foreign Gifts and Decorations Act of 1966 and the rules and regulations governing such gifts provided to Members of Congress.

(F) Informational materials such as documents, books, videotapes, periodicals, or other forms of communications.

(G) Goods or services provided by any agency or component of the Government of the United States, including any commission established under the authority of such Government.

(H) ANNUAL FINANCIAL REPORT.—In addition to providing the reports required under section 202, the Commission shall provide, each year no later than January 31, to the Committees on International Relations and Appropriations of the Senate, a financial report detailing and identifying its expenditures for the preceding fiscal year.

(c) Authorization of Appropriations.—

Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 1658) (as redesignated) is amended by striking "4 years after the initial appointment of all the Commissioners" and inserting "on May 14, 2003."
international religious freedom their full support and the authority the Commission needs to carry out its crucial work of promoting religious freedom around the world.

Mr. Speaker, I include the following for the Record:

Mr. Speaker, I rise in support of this bill to provide administrative authorities to the United States Commission on International Religious Freedom. The Senate has just passed this bill by unanimous consent. I thank Senator NICKLES and LIEBERMAN for their leadership and for the opportunity to work so closely with them on this bill as we did last year.

I also want to thank our distinguished Majority and Minority leaders, and the Chairman and Ranking Minority Member of the International Relations Committee for enabling us to consider this bill so quickly.

This Commission is unique, perhaps, in the world, and we know that it will come under great scrutiny. We want its independence, its mandate and its integrity to be clear to the world.

For this reason, this bill creates clear guidelines about such matters as contracting and gifts. These are not meant to be burdensome but to ensure the Commission's independence.

I am proud of this Commission. I would like to take this opportunity to congratulate each of the nine Commissioners and the Ambassador at Large for Religious Freedom, who also sits on the Commission.

I look forward to a close and productive working relationship so that we may help men, women, and children of all faiths suffering for their religious beliefs around the world.

So I urge my colleagues to support the bill and to give the Commission on International Religious Freedom their full support and the authority the Commission needs to carry out its crucial work of promoting religious freedom around the world.

Mr. Speaker, will the gentleman yield?

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

Mr. Speaker, I want to thank the gentleman for pursuing the implementation of the Commission and providing them with the resources to continue their well-founded work that we adopted in the Committee on International Relations.

I thank the gentleman for his efforts. The Senate bill was ordered to be read a third time, was passed, and a motion to reconsider was laid on the table.

VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999

Mr. TALENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1568) to provide technical, financial, and procurement assistance for veteran owned small businesses, and for other purposes, with a Senate amendment thereon, and concur in the Senate. The Clerk reads the title of the bill.

The Clerk reads the Senate amendment as follows:

Senate Amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Entrepreneurship and Small Business Development Act of 1999".

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—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Purpose.
Sec. 103. Definitions.

TITLE II—VETERANS BUSINESS DEVELOPMENT

Sec. 201. Veterans business development in the Small Business Administration.
Sec. 203. Advisory Committee on Veterans Business Affairs.

TITLE III—TECHNICAL ASSISTANCE

Sec. 301. SCORE program.
Sec. 302. Entrepreneurial assistance.
Sec. 303. Business development and management assistance for military reservists.

TITLE IV—FINANCIAL ASSISTANCE

Sec. 401. General business loan program.
Sec. 402. Assistance to active duty military reservists.
Sec. 403. Microloan program.
Sec. 404. Defense Economic Transition Loan Program.
Sec. 405. State development company program.

TITLE V—PROCUREMENT ASSISTANCE

Sec. 501. Subcontracting.
Sec. 502. Participation in Federal procurement.

TITLE VI—REPORTS AND DATA COLLECTION

Sec. 601. Reporting requirements.
Sec. 602. Report on small business and competition...
Sec. 603. Annual report of the Administrator...
Sec. 604. Data and information collection...
TITLES I AND II—LANEADO PROVISIONS
Sec. 701. Administrator’s order...
Sec. 702. Small Business Administration Office of Advocacy...
Sec. 703. Study of fixed-asset small business loans...

TITLES I—GENERAL PROVISIONS

SEC. 101. FINDINGS.
Congress finds the following:

(1) the United States Armed Forces have been and continue to be vital to the small business enterprises of the United States.

(2) The United States Armed Forces have often faced great risks to preserve the American dream of freedom and prosperity.

(3) The United States has done too little to assist veterans, particularly service-disabled veterans, in playing a greater role in the economy of the United States by forming and expanding small business enterprises.

(4) Medical advances and new medical technologies have made it possible for service-disabled veterans to play a much more active role in the formation and expansion of small business enterprises.

SEC. 102. PURPOSE.
The purpose of this Act is to expand existing and establish new assistance programs for veterans who own or operate small businesses. This Act accomplishes this purpose by—

(1) establishing eligibility for certain small business assistance programs to include veterans;

(2) directing certain departments and agencies of the United States to take actions that enhance small business assistance to veterans; and

(3) establishing new institutions to provide small business assistance to veterans or to support the institutions that provide such assistance.

SEC. 103. DEFINITIONS.
(a) SMALL BUSINESS ACT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

(q) Definitions relating to veterans.—In this Act, the following definitions apply:

(1) VETERAN.—The term "veteran" has the meaning given the term in section 101(2) of title 38, United States Code.

(2) SERVICE-DISABLED VETERAN.—The term "service-disabled veteran" has the meaning given to the term "service-disabled veteran" in section 3(q) of title 38, United States Code.

(3) EMPLOYEE OF A GOVERNMENTAL AGENCY.—The term "employee of a governmental agency" has the meaning given to the term "employee of a governmental agency" in section 3(5) of title 38, United States Code.

SEC. 201. VETERANS BUSINESS DEVELOPMENT IN THE SMALL BUSINESS ADMINISTRATION.
(a) IN GENERAL.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking "four Associate Administrators" and inserting "five Associate Administrators"; and

(2) by inserting after the fifth sentence the following:

(1) "One such Associate Administrator shall be the Associate Administrator for Veterans Business Development, who shall administer the Office of Veterans Business Development established under section 32;"

(b) OFFICE OF VETERANS BUSINESS DEVELOPMENT; ASSOCIATE ADMINISTRATOR.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesigning section 32 as section 33; and

(2) by inserting after section 31 the following:

SEC. 32. VETERANS PROGRAMS.
(a) OFFICE OF VETERANS BUSINESS DEVELOPMENT. The President shall establish, in the Administration an Office of Veterans Business Development, which shall be administered by the Associate Administrator for Veterans Business Development, who shall be designated as the Associate Administrator for Veterans Business Development (in this section referred to as the "Associate Administrator") appointed under section 4(b)(1).

(b) ASSOCIATE ADMINISTRATOR FOR VETERANS BUSINESS DEVELOPMENT.—The Associate Administrator—

(1) shall be appointed in the Senior Executive Service;

(2) shall be responsible for the formulation, execution, and promotion of policies and programs of the Administration that provide assistance to veterans who own and control small business concerns owned and controlled by veterans and small business concerns owned and controlled by veterans who own and control small business concerns; and

(3) shall report to and be responsible directly to the Administrator.

SEC. 33. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.
(a) ESTABLISHMENT.—There is established a federally chartered corporation to be known as the National Veterans Business Development Corporation (in this section referred to as the "Corporation") which shall be incorporated under the laws of the District of Columbia and which shall have the powers granted in this section.

(b) PURPOSES OF THE CORPORATION.—The purposes of the Corporation shall be—

(1) to expand the provision of and improve access to technical assistance regarding entrepreneurship for the Nation’s veterans;

(2) to assist veterans, including service-disabled veterans, with the formation and expansion of small business concerns by working with and organizing public and private resources, including those of the Small Business Administration, the Department of Veterans Affairs, the Department of Labor, the Department of Commerce, the National Endowment for the Arts, the Federal Co-operative Service, the Small Business Development Centers (referred to in this Act as "the Centers"), and the small business development staffs of each department and agency of the United States;

(3) to make contracts or grants of real property to States and tribes, and to file and defend against lawsuits in State or Federal court;

(4) to appoint, through the actions of its Board of Directors, officers and employees of the Corporation to perform all of the responsibilities, fix their compensations, and to dismiss at will such officers or employees.
(6) To prescribe, through the actions of its Board of Directors, bylaws not inconsistent with Federal law and the law of the State of incorporation, regulating the manner in which its general business is conducted and the manner in which the privileges granted to it by law may be exercised.

(7) To exercise, through the actions of its Board of Directors or duly authorized officers, all powers specifically granted by the provisions of this section, and such incidental powers as shall be necessary to carry out the purposes of this Act.

(8) To solicit, receive, and disburse funds from private, Federal, State and local organizations.

(9) To accept and employ or dispose of in furtherance of the purposes of this section any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

(10) To accept voluntary and uncompensated services.

(11) Deposit of funds.—The Board of Directors shall deposit all funds of the Corporation in federally chartered and insured depository institutions or such funds are disbursed under paragraph (2).

(12) Disbursement of funds.—Funds of the Corporation may be disbursed only for purposes that are (A) approved by the Board of Directors by a recorded vote with a quorum present; and

(f) Network of information and assistance centers.—In carrying out the purpose described in subsection (a), the Corporation shall establish and maintain a network of information and assistance centers for use by veterans and the public.

(1) Small report.—On or before October 1 of each year, the Board of Directors shall transmit a report to the President and Congress describing the activities and accomplishments of the Corporation for the preceding year and the Corporation for the fiscal year.

(b) GAO report.—Not later than 180 days after the last day of the second fiscal year beginning after the date on which the initial members of the Board of Directors of the National Veterans Business Development Corporation are appointed under section 203(c) of the Small Business Act (as added by this section), the Comptroller General of the United States shall evaluate the effectiveness of the National Veterans Business Development Corporation in carrying out the purposes of this Act and submit to Congress a report on the results of that evaluation.

(c) Duties. —The duties of the Committee shall be as follows:

(i) the Administrator of the Small Business Administration; and

(c) Information from Federal agencies.—The Administrator of the Small Business Administration and other Federal agencies shall provide to the Committee such administrative support as may be necessary for each full meeting of the Committee.

45 USC 2474a-1

SEC. 203. ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) In general.—There is established an Advisory committee to be known as the “Advisory Committee on Veterans Business Affairs” (in this section referred to as the “Committee”), which shall serve as an independent source of advice and policy recommendations to—

(1) the Administrator of the Small Business Administration; and

(2) the Associate Administrator for Veterans Business Development of the Small Business Administration; 

(3) the Congress;

(4) the President; and

(b) Membership.—

(1) In general.—The Committee shall be composed of 15 members, of whom—

(5) other United States policymakers.

(2) Appointment.—

(A) In general.—The members of the Committee shall be appointed by the Administrator in accordance with this section.

(B) Initial appointment.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint the initial members of the Committee.

(c) Political affiliation.—Not more than eight members of the Committee shall be of the same political party as the President.

(2) Hearings.—Subject to subsection (e), the Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out its duties.

(3) Use of mails.—The Committee may use the United States mails for official business after the date on which the initial members of the Committee were appointed under this section.

(4) Gifts.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(5) Location.—Each meeting of the full Committee shall be held at the headquarters of the Small Business Administration located in Washington, District of Columbia.
(3) Task Groups.—The Committee may, from time to time, establish temporary task groups as may be necessary in order to carry out its duties.

(4) Compensation and Expenses.—

(1) No Compensation.—Members of the Committee shall serve without compensation for their services.

(2) Expenses.—The expenses of the Committee shall be reimbursed for travel and subsistence expenses in accordance with section 5703 of title 5, United States Code.

(5) Report.—Not later than 30 days after the end of each fiscal year beginning after the date of enactment of this Act, the Committee shall transmit to the President and the Congress a report describing the activities of the Committee and any recommendations developed by the Committee for the promotion of small business concerns controlled by veterans.

(h) Termination.—The Committee shall terminate its business on September 30, 2004.

TITLE III—TECHNICAL ASSISTANCE

SEC. 301. SCORE PROGRAM.

(a) In General.—The Administrator of the Small Business Administration shall enter into a memorandum of understanding with the Service Core of Retired Executives (described in section 637(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) and in this section referred to as "SCORE") to provide for the following:

(1) To SCORE in the establishment of a national office of an individual to act as National Veteran Business Coordinator, whose duties shall include exclusively to veterans business matters, and who shall be responsible for the development and administration of a program to coordinate counseling and training regarding entrepreneurship to veterans through the chapters of SCORE throughout the United States.

(2) The assistance of SCORE in the establishing and maintaining a toll-free telephone number and an Internet website to provide access for counseling and training regarding entrepreneurship to veterans through SCORE.

(b) Resources.—The Administrator shall provide to SCORE such resources as the Administrator determines to be necessary to carry out the requirements of the memorandum of understanding specified in paragraph (1).

SEC. 302. ENTREPRENEURIAL ASSISTANCE

Not later than 30 days after the date of enactment of this Act, the Secretary of Veterans Affairs, the Administrator of the Small Business Administration, and the head of the association formed pursuant to section 2(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) shall enter into a memorandum of understanding with respect to entrepreneurial assistance to veterans, including service-disabled veterans, through Small Business Development Centers (described in section 21 of the Small Business Act (15 U.S.C. 648)) and facilities of the Department of Veterans Affairs. Such assistance shall include the following:

(1) Conducting of studies and research, and the distribution of information generated by such research, on the formation, management, financing, marketing, and operation of small business concerns by veterans.

(2) Provision of training and counseling to veterans concerning the formation, management, financing, marketing, and operation of small business concerns.

(3) The provision of management and technical assistance to the owners and operators of small business concerns regarding international markets, the promotion of exports, and the transfer of technology.

(4) Provision of assistance and information to veterans regarding procurement opportunities with Federal, State, and local agencies, especially such agencies funded in whole or in part with Federal funds.

(5) Establishment of an information clearinghouse to collect and disseminate information, including by electronic means, on the assistance programs of Federal, State, and local government, and of the private sector, including information that is available in key personnel, telephone numbers, mail and electronic addresses, and contracting and subcontracting opportunities.

(6) Provision of Internet or other distance learning academic instruction for veterans in business subjects, including accounting, marketing, and management.

(7) Compilation of a list of small business concerns owned and controlled by service-disabled veterans that provide products or services that could be procured by the United States and delivery of such list to each department and agency of the United States. Such list shall be delivered in hard copy and electronic form and shall include the name and address of each such small business concern and the products or services that it provides.

SEC. 303. BUSINESS DEVELOPMENT AND MANAGEMENT ASSISTANCE FOR MILITARY RESERVISTS’ SMALL BUSINESSES.

(a) In General.—Section 8 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

"(ii) MANAGEMENT ASSISTANCE FOR SMALL BUSINESSES AFFECTED BY MILITARY OPERATIONS.—(A) Appropriate entrepreneurial development and management assistance programs, including programs involving State or private sector partners, to provide business counseling and training to any small business concern adversely affected by the deployment of units of the Armed Forces of the United States in support of a period of military conflict (as defined in section 7(n)(1)).

(B) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administrator shall encourage lenders and other intermediaries participating in the program described in subparagraph (B) of section 7(a)(10) of the Small Business Investment Act of 1958 (15 U.S.C. 635(a)) and other provisions of law, during the period of the deferral described in subparagraph (B), the Administration may, in its discretion, reduce the interest rate on any loan that becomes eligible for a deferral under this paragraph.

(C) INTEREST RATE REDUCTION DURING DEFERRAL.—For the period of deferral for repayment under this paragraph, the interest rate charged on any loan made with proceeds made available under this section, if such loan was incurred by a small business concern that is 180 days or more past due, shall be reduced by 1 percentage point; and

(D) DEFERRAL OF DIRECT LOANS.—Notwithstanding any other provision of law, during the period of deferral described in subparagraph (B), the Administration may, in its discretion, reduce the interest rate on any loan that becomes eligible for a deferral under this paragraph.

SEC. 304. GENERAL BUSINESS LOAN PROGRAM.

(a) Definition of Handicapped Individual.—Section 3(f) of the Small Business Act (15 U.S.C. 636(f)) is amended to read as follows:

"(f) For purposes of section 7 of this Act, the term ‘handicapped individual’ means an individual—

(1) who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability which adversely affects any way the selection of the type of employment for which the person would otherwise be qualified or qualified, or

(2) who is a service-disabled veteran..."
"(ii) the term ‘period of military conflict’ has the meaning given the term in subsection (n)(1); and
"(iii) the term ‘substantial economic injury’ means any economic injury to a business concern that results in the inability of the business concern—
"(I) to meet its obligations as they mature;
"(II) in any extraordinary way to pay its ordinary and necessary operating expenses; or
"(III) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by such concern.
"(B) The Administration may make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements by which such loans are deferred) as it determines necessary to carry out this section and the amendments made by this section.
"(C) If the Administration, in its discretion, may waive the availability of assistance provided pursuant to this section.
"(D) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).
"(E) In no loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under such paragraph would exceed $1,500,000, unless such applicant constitutes a major source of employment in its area.
"(F) The Administration, in which case the Administrator, in its discretion, may waive the $1,500,000 limitation.
"For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.
"(c) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance pursuant to the amendment made by this section.
"(d) DUE DILIGENCE.—Not later than 30 days after the date of enactment of this section, the Administrator shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendments made by this section.
"(e) EFFECTIVE DATES.—(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.
"(2) DRAINER LOANS.—The amendments made by subsection (b) shall apply to economic injury suffered or likely to be suffered as the result of a period of military conflict occurring or ending on or after March 24, 1999.
"SEC. 403. MICROLOAN PROGRAM.
"Section 7(m)(3)(A)(i) of the Small Business Act (15 U.S.C. 636(m)(3)(A)(i)) is amended by inserting ‘‘veteran’’ (within the meaning of such term under section 1314 of title 38, United States Code) after ‘‘low-income.’’
"SEC. 404. DEFENSE ECONOMIC TRANSITION LOAN PROGRAM.
"Section 7(a)(2)(B)(iii) of the Small Business Act (15 U.S.C. 636(a)(2)(B)(iii)) is amended by inserting ‘‘or a veteran’’ after ‘‘qualified individual’’. "SEC. 405. STATE DEVELOPMENT COMPANY PROGRAM.
"(1) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and
"(2) by inserting after subparagraph (D) the following:
"(E) expansion of small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), especially service-disabled veterans, as defined in such section 3(q).
"TITLE VI—REPORTS AND DATA COLLECTION
"SEC. 601. REPORTING REQUIREMENTS.
"(a) REPORTS TO SMALL BUSINESS ADMINISTRATION.—Section 15(h)(1) of the Small Business Act (15 U.S.C. 644(h)(1)) is amended by inserting ‘‘small business concerns owned and controlled by veterans (including service-disabled veterans),’’ after ‘‘small business concerns,’’ the first place it appears.
"(b) REPORTS TO THE PRESIDENT AND THE CONGRESS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—
"(1) by inserting ‘‘and the Congress’’ before the period at the end of first sentence;
"(2) in each of subparagraphs (A), (D), and (E), by inserting ‘‘small business concerns owned and controlled by service-disabled veterans, and small business concerns owned and controlled by service-disabled veterans,’’ after ‘‘small business concerns,’’ the first place it appears.
"SEC. 602. REPORT ON SMALL BUSINESS AND CONSTRUCTION CONTRACTING PRACTICES.
"(1) in paragraph (1), by striking ‘‘and’’ after the semicolon;
"(2) in paragraph (2), by striking the period at the end and inserting ‘‘and’’; and
"(3) by adding at the end the following:
"(3) small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by service-disabled veterans, as defined in such section 3(q).
"SEC. 603. ANNUAL REPORT OF THE ADMINISTRATOR.
"The Administrator of the Small Business Administration shall transmit annually to the Committee on Small Business and Veterans Affairs of the House of Representatives and the Senate a report on the needs of small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans, which shall include information on—
"(1) the availability of Small Business Administration programs for small business concerns and the degree of utilization of such programs by such small business concerns during the preceding 12-month period, including statistical information on such utilization as compared to the small business community as a whole;
"(2) the percentage and dollar value of Federal contract awards to such small business concerns during the preceding 12-month period, based on the data collected pursuant to section 601; and
"(3) proposals to improve the access of such small business concerns to the assistance made available by the United States.
"SEC. 604. DATA AND INFORMATION COLLECTION.
"(a) INFORMATION ON FEDERAL PROCUREMENT PRACTICES.—The Administrator of the Small Business Administration shall, for each fiscal year—
"(1) collect information concerning the procurement practices and procedures of each department and agency of the United States having procurement authority; and
"(2) publish and disseminate such information to procurement officers in all Federal agencies;
"(3) make such information available to any small business concern requesting such information.
Mr. TALENT. Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

Mr. TALENT (during the reading). Mr. Speaker, I ask unanimous consent that the Secretary may provide such other assistance with respect to information submitted by persons relating to the production and marketing of tobacco to tobacco producers or other parties with an interest in tobacco production or tobacco products under a national or State trust or settlement.

"(2) Exemption from release.---The Secretary shall, to the maximum extent practicable, in advance of any release of information under subsection (a), allow, by announcement, a period of at least 15 days for persons whose consent would otherwise be required by law to effectuate the release, to elect to be exempt from the release.

"(3) Assistance.---In making a release under subsection (a), the Secretary may provide such other assistance with respect to information released under subsection (a) as will facilitate the interest of producers in receiving the funds that are the subject of a trust described in subsection (a).

"(4) Funds.---The Secretary shall use amounts made available for salaries and expenses of the Department to carry out paragraph (1).

"(5) Records.---A person that obtains information described in subsection (a) shall maintain records that are consistent with the purposes of the release and shall not use the records for any purpose not authorized under this section.

"(6) Penalty.---A person that knowingly violates this subsection shall be fined not more than $10,000, imprisoned not more than 1 year, or both.

"(e) Application.---This section shall not apply to records submitted by cigarette manufacturers with respect to the production of cigarettes;
"(2) records that were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas; or

"(3) records that aggregate the purchases of particular buyers.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE
Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to consider and extend their remarks on S. 1543.

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

There was no objection.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE
Mr. FLETCHER. Mr. Speaker, I call up for the consideration of the Senate a privileged Senate concurrent resolution (S. Con. Res. 51) providing for the conditional adjournment or recess of the Senate and a conditional adjournment of the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 51
Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, August 5, 1999, Friday, August 6, 1999, or Saturday, August 7, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Wednesday, September 8, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, August 5, 1999, Friday, August 6, 1999, or Saturday, August 7, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10:00 a.m. on Wednesday, September 8, 1999, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. CONSTANCE A. MORELLA OR HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 8, 1999
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, August 5, 1999.
I hereby appoint the Honorable CONSTANCE A. MORELLA or, if not available to perform this duty, the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 8, 1999.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

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AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT
Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 8, 1999, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 8, 1999
Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 8, 1999.

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

There was no objection.

CENTRAL AMERICAN AND HAITIAN PARITY ACT OF 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES
The SPEAKER pro tempore 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 the Judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Central American and Haitian Parity Act of 1999." Also transmitted is a section-by-section analysis. This legislative proposal, which would amend the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA), is part of my Administration's comprehensive effort to support the process of democratization and stabilization now underway in Central America and Haiti and to ensure equitable treatment for migrants from these countries. The proposed bill would allow qualified nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to become lawful permanent residents of the United States. Consequently, under this bill, eligible nationals of these countries would receive treatment equivalent to that granted to the Nicaraguans and Cubans under NACARA.

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. Yet these latter groups received less favorable treatment than that granted to Nicaraguans and Cubans by NACARA. The United States has a strong foreign policy interest in providing the same treatment to these similarly situated people. Moreover, the countries from which these migrants have come are young and fragile democracies in which the United States has played and will continue to play a very important role. The return of these migrants to these countries would place significant demands on their economic and political systems. By offering legal status to a number of nationals of these countries with longstanding ties in the United States, we can advance our commitment to peace and stability in the region.

Passage of the "Central American and Haitian Party Act of 1999" will 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. I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.
THE WHITE HOUSE, August 5, 1999.

NOTICE
Incomplete record of House proceedings. Today's House proceedings will be continued in the next issue of the Record.
TAXPAYER REFUND AND RELIEF ACT OF 1999—CONFERENCE REPORT

(Continued)

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

Mr. KYL. Mr. President, I begin by commending the chairman of the Finance Committee, Senator ROTH, and our leadership, Senators LOTT and NICKLES, for their tremendous work on this bill. Members have heard Senator NICKLES discuss the details of the bill, the many things that have been included in this bill. Through his leadership, a lot of the things that Members of the Republican Party and people I represent who have talked to me about tax policy wanted in this bill have gotten included in the bill. I think they did a tremendous job in ensuring that the tax relief for taxpayers became a part of this tax package.

I won't go over the details of the bill as Senator NICKLES has just done, but I want to note that this is, as he said, the largest middle-class tax cut since Ronald Reagan was President. It is based on the same kind of pro-growth, broad-based policies that will let all taxpayers keep more of their hard-earned money.

Mr. NICKLES. Will the Senator yield?

Mr. KYL. I am happy to yield to the Senator.

Mr. NICKLES. I want to take a minute to congratulate and thank my friend and colleague from Arizona for his leadership in the entire tax reduction effort, but particularly in estate taxes. The Senator from Arizona has been principal sponsor of a bill to reduce and eliminate the estate taxes. We have incorporated most all of that provision in this bill.

I want to compliment him because I am confident eventually—maybe this bill will be vetoed; I hope not; I hope the President reconsiders—we will pass a bill to eliminate the death tax. The Senator from Arizona deserves great accolades and credit for being a principal player in making that happen.

Mr. KYL. I thank the distinguished assistant majority leader. I agree that by including the repeal of the estate tax, sometimes called the death tax, in this legislation, we have laid down a marker and pretty well ensured that sooner or later it is going to be repealed.

Obviously, for the time being, we may have to pay it down a little bit and find it is repealed in maybe the ninth or tenth year. Hopefully, by virtue of the fact we have agreed that it has to go eventually, we will repeal it, and hopefully it will be sooner rather than later because some of my friends who have kidded, saying: You know, it is fine you get this repealed 9 years from now, but that means I have to hang on for another 9 years. I am not sure that is possible. Besides that, I have to do the expensive estate planning in the meantime.

We prefer to get that eliminated sooner rather than later. I think it is a testament to the leadership of Senator NICKLES, majority leader Senator LOTT, and Senator ROTH, as well as our friends in the House who were in agreement that the death tax had to go. That important provision was included in this election.

Rather than describe the specifics of this program, let me note, when I turned on the television this morning I heard a report on CNN. Reporters had gone to Orange County in California. They found the average citizen on the street there really didn't like this tax cut. They said: Why do we need to do it? Different provisions of the bill stress the point that Senator NICKLES made, which is that finally we have achieved in law—we will by the time we vote for this—that the death tax is going to be repealed. I think that sends a very important message as we continue to craft tax legislation. Should the President veto this bill, that will permit us...
to include that principle in whatever eventually is sent to the President and, hopefully, signed into law.

The Taxpayer Refund and Relief Act, which is really the largest middle-class tax cut since Ronald Reagan was President, is based on the kind of broad, pro-growth policies that will help all taxpayers and keep our nation's economic expansion on track.

Mr. President, this measure really represents a departure from the kind of targeted tax cuts that we have seen in the past. Taxpayers will not have to jump through hoops, or behave exactly as Washington wants, to see relief. If you pay taxes, you get to keep more of what you earn. It is as simple as that. The marginal income-tax rate reductions in this bill refund to all taxpayers a share of the tax overpayment that has created our budget surpluses. Those in the lowest income-tax bracket will see a seven percent reduction in their taxes. Those in the highest tax bracket will see a reduction of about half that size. I would have preferred an across-the-board reduction that helped everyone more than this. But recognizing the constraints imposed on the Finance Committee by the budget resolution, I think this is a very good product.

In addition to marginal rate reductions, the bill would eliminate two of the most egregious taxes imposed on the American people: the marriage-tax penalty and the death tax. It is simply no reason that two of life's milestones should trigger a tax, let alone the steep taxes that are imposed on people when they get married and when they die. Eliminating them is the right thing to do.

To eliminate the marriage penalty for most taxpayers, the standard deduction for joint returns would be set at two times the single standard deduction, and the new 14 percent income-tax bracket would be adjusted to two times the single bracket, phased in over the life of the bill. This will solve the problem for most taxpayers, but we need to make clear that, although we have devoted fully 50 percent of the revenue that is raised from the marriage-tax penalty, the bill will not eliminate the marriage penalty entirely. We will still need to come back and address the problem for taxpayers who choose to itemize.

The big accomplishment is that the death tax over the next several years, so that by 2009 it is completely eliminated. I would ask Senators to carefully review the details of what is proposed here, because I believe they will find that the bill offers a way for those on both sides of the aisle to bridge our differences with respect to how transfers at death are taxed.

The beauty of the proposal is that it takes death out of the equation. Death would no longer be a taxable event. It would neither confer a benefit—the step-up in basis allowed under current law—nor a penalty—the punitive, confiscatory death tax.

The provisions are based upon the bipartisan, Kyl-Kerrey Estate Tax Elimination Act, S. 1128, which would treat inherited assets like any other asset for tax purposes. A tax on the capital gain would be paid, the same as if the decedent had sold the property during his or her lifetime. No death tax or capital-gains tax. It is only if they sell and realize income from the property that a tax would be due, and then it would be at the applicable capital-gains rate.

This simple and straightforward concept attracted a bipartisan group of co-sponsors, including Democratic Senators KERREY, BREAUX, ROBB, LINCOLN, and WYDEN, and about a dozen Senators from the Republican side. If the President signs the bill, and if the House vets this tax-relied bill, our bipartisan initiative provides a blueprint for how we should deal with the death tax in future tax legislation.

Mr. President, another important feature of this bill is its capital-gains tax-rate reduction. It will reduce capital-gains tax rates another two percent, so that the top rate is only about two-thirds of where it was just a few years ago.

Why is further capital-gains reduction important? Let me quote President John F. Kennedy, who answered that very question: "The present tax treatment of capital gains and losses is both inequitable and a barrier to economic growth." He proposed excluding 70 percent of capital gains from tax, which, if you applied the same concept today, would result in a top rate of about 11.88 percent. That is lower than the top rate of 18 percent proposed in the bill we are considering.

President Kennedy explained that “[t]he tax on capital gains directly affects investment decisions, the mobility and flow of risk capital from static to more dynamic situations, the ease or difficulty experienced by new ventures in obtaining capital, and thereby the strength and potential for growth of the economy.”

In other words, if we are concerned about whether new jobs are being created, and whether new technology is developed, whether workers have the tools they need to do a more efficient job, we should support measures that reduce the cost of capital to facilitate the achievement of all of these things. Remember, for every employee, there was an employer who took risks, made investments, and created jobs. But that employer needed capital to start.

President Kennedy recognized that. He recognized that our country is stronger and more productive when our people are united in support of a common goal—and that we are weaker and more vulnerable when punitive policies divide Americans, group against group, whether along racial lines or economic lines.

While some politicians may employ divisive class warfare to their political advantage, President Kennedy had the courage to put good policy ahead of demagogic politics. I am with him, and I want to see the capital-gains reduction in this bill.

There are several other provisions that I want to mention briefly, because they, too, will help keep the economic expansion going: the increase in the IRA contribution limit, the alternative minimum tax relief, and the increased expensing allowance. These are things that will encourage the capital formation needed to help keep the United States competitive in world markets, producing jobs and better pay for our citizens.

The bill addresses the critical issue of health care as well, providing an above-the-line deduction for prescription-drug insurance, and a 100 percent deduction for any Medicare premiums paid by the self-employed. For health-insurance costs for people not covered by employer plans.

We encourage savings for education by increasing the amount that individuals can contribute to education savings accounts. Funds in such accounts could be used for elementary and secondary education expenses, in addition to higher education. The exclusion for employer-provided educational assistance would be extended, and the 60-days' window for deferring interest on student loans would be repealed.

Mr. President, a few final points before closing. Providing the tax relief in this bill will not require us to use any of the Social Security surplus in any year. In fact, all of the Social Security surplus will be reserved for Social Security. In all, about 75 percent of anticipated budget surpluses over the next decade would still be set aside for Social Security, Medicare, and other domestic priorities, including debt reduction.

It is only the remaining 25 percent of the available surplus that would be re-funded to American taxpayers. In other words, we are proposing to refund just 25 cents of every surplus dollar back to the people who sent it to Washington. It is a sensible and a modest initiative.

Remember, the $792 billion in tax relief would be provided over a 10-year period. If you include enough years in the calculation, the amount sounds large, but we are really only talking about an average of $80 billion a year.

To put that into perspective, the federal government will collect $1.8 trillion this year alone. It will collect $2.7 trillion by the end of the 10-year period, in 2009. The amount of tax relief we are considering is very modest—not risky, not irresponsible at all, as the President would have us believe.

Even accounting for the proposed tax cuts, the debt would be reduced substantially. The Budget Committee chairman gave us the numbers last week. Publicly held debt would decline from
It is hard to imagine a more opportune or reasonable time to cut taxes. Tax rates are at record highs—budget surpluses are at record highs. What more do you need?

In a similar vein, it is difficult to dispute any of the major provisions in this bill or its sense of fairness. It does a lot of good things.

It reduces each of the personal income tax rates, which currently range from 15 percent to 39.6 percent by 1 percentage point. Moderating income taxpayers receive a larger real cut than those in higher income brackets.

It reduces the capital gains tax moderately and indexes capital gains to account for inflation. It encourages savings by increasing IRA contribution limits from $2,000 to $5,000.

It would eliminate the odious death tax which destroys family businesses and farms. Point by point, it is difficult to portray any of these provisions as a tax cut.

It is also difficult to question the fairness of the bill’s provisions which try to eliminate the marriage penalty that exists under current tax law and which forces 20 million married couples today to pay more in taxes than unmarried couples.

In an effort to eliminate this inequity, the Taxpayer Refund Act increases the standard deduction and raises the upper limit of the 14-percent bracket for married taxpayers.

The individual provisions in the tax cut bill are reasonable and fair.

Still, the President insists that a $792 billion tax cut is irresponsible and reckless. Even though our Republican plan sets aside $1.9 trillion to secure Social Security and pay down the public debt—even though it reserves another $277 billion to pay for Medicare reform or other essential services—even though the tax cuts are phased in over 10 years, the President claims it is reckless and irresponsible.

It is easy to understand why. He wants to spend more.

He says cutting taxes $792 billion is irresponsible and reckless. He clearly believes that the money belongs to the Federal Government—not the taxpayers. And he clearly plans to file for Social Security surplus if given the chance. That is the big question that faces the Nation right now. Whose money is it and is it more responsible to give some of it back to the taxpayers than it is to spend it?

I urge my colleagues to do so. It is a good bill. It is responsible in its timing. It is responsible in its provisions. And it is definitely responsible to let the American taxpayers keep a little more of their own money.

On the basis of fact, it is difficult to dispute the fairness or the time or the need for a tax cut in general.

Federal tax rates are at an all-time, peace-time high, consuming more than 20.6 percent of the Nation’s economic output. That is a higher tax rate than any year except 1944 at the height of World War II when Federal taxes consumed 20.9 percent of the gross domestic product.

At the same time, we are anticipating record budget surpluses. The economists tell us that over the next 10 years, the Federal Government will take in nearly $3 trillion more than it needs. Even if we set aside $1.9 trillion of that surplus to safeguard Social Security, the President insists that surplus is to be spent down the public debt. The Federal Government will still have $1 trillion more than it needs over the next 10 years.

It reserves several hundred billion to pay for essential services or to pay the debt down even more. The timing is right. The provisions are fair. It simply allows the Nation’s taxpayers to keep a little more of their own money.

I urge my colleagues to vote for it.

Mr. ROTH. I yield 5 minutes to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Delaware and commend him for his outstanding work in respect to this piece of important legislation. The Republican plan is a good plan for several reasons, the first of which is that the Republican plan protects every single cent of the Social Security surplus. None of it is to be consumed in the tax cut or in tax relief. Every penny of money from the Social Security trust fund is to be protected—$1.9 trillion over 10 years.

When the President presented his budget earlier this year he said we should protect 62 percent of the Social Security trust fund. There is an important distinction. We would protect every single cent of the Social Security trust fund. The President spending $158 billion of the Social Security benefits over the next 5 years. We said zero. I am happy to say he went back to the drawing board. He still comes back with a plan that spends $1 trillion more in 10 years, including about $30 billion of the Social Security surplus, but it is closer to the Republican plan which protects Social Security. It is very important to understand the Republican plan does not protect Social Security in order to have a tax cut.

Since Congress took Social Security off budget in 1969, the Democrats have never protected every dime of Social Security surpluses, and frankly neither have we until this year.

In addition to protecting Social Security, the Republican plan pays down the national debt. What is important is that over the next 10 years we will pay off almost half of the national debt. That is responsible. Most homeowners do not get rid of half their mortgage in 10 years.

A 30-year mortgage, it takes about 15 years to get halfway through the process.
Mr. President, $1.9 trillion of the $3.6 trillion in publicly held national debt will be paid off. We will reduce the national debt from 41 percent of the gross domestic product to only 14 percent of the gross domestic product.

On the other hand, they want to spend more money and leave Americans with a higher national debt. President Clinton’s plan provides $223 billion less in debt reduction than does ours.

The Republican plan also saves more money for Medicare. Over the next 10 years, the Republican plan sets aside $90 billion for fixing Medicare, in contrast to President Clinton’s new Medicare entitlement that provides only $16 billion for additional funding over that period.

After attending to all these priorities, after setting aside Social Security, after attending to and making sure we pay down half the debt, running it down from 41 percent of the gross domestic product to 14 percent of the gross domestic product, the Republican plan cuts taxes for every taxpayer; it cuts taxes for married couples, for savings in IRAs, for college education, for health care, cutting the bottom rate and every other rate by 1 percent.

In addition, the Republican plan reduces the marriage penalty for couples, thanks to the outstanding work of Senator Hutchison of Texas. I was pleased to have joined her along with Senator Brownback of Kansas, in accelerating that kind of relief in our effort. The Republican plan will make the standard deduction for married couples double that for singles. We will also increase the rate bracket for married couples, making it possible for them to become married couples without paying a penalty. In contrast, the President’s plan and the Democratic plan would spend more money on Government, leaving less money for our families.

If your faith is in government and in bureaucracy and your faith is not in families and in our communities, then you want to sweep resources to Washington and spend it here. If you believe the greatness of America is in the families and the hearts of the American people, then leaving some of their resources, which they have earned, with them is wise policy.

President Clinton’s plan calls for $1 trillion more in spending over the next 10 years. The American people did not balance the budget just so they could be the victims of more spending. Out of approximately $3 trillion in total surpluses over the next 10 years, our plan devotes only $752 billion, less than a quarter of the entire total surplus, to tax cuts. The Republican plan protects Social Security, cuts the publicly held debt in half, and provides needed relief to every taxpayer while protecting the opportunity to reform and address the debt in half, and provides needed relief to every taxpayer while protecting the American people their money when they are paying too much in taxes, say, over $3 trillion more in taxes projected over the next 10 years?

This bill does that. It does it fairly; it does it reasonably; it does it realistically; and it does it responsibly.

We have heard in this Chamber over the last few minutes some of my colleagues talk about Social Security. My goodness, all responsible legislators, all responsible Americans would not dare take Social Security surpluses and use those for tax cuts. We are not talking about that. If the American public gets a sense that there is just a hint of demagoguery in this, they might be right and they actually might be on to something because the fact is, this plan does not do that.

All Social Security surpluses are laid aside. That is what every 75 cents of this $1 overpayment goes. The other 25 cents goes back to the taxpayer.

This is not theory or some abstract debate. You either favor tax cuts or you do not. We can all dance around this and we can confuse each other and say: It’s not fair and it’s not reasonable.

In the end, this place is about decision making, hard choices. It is about hard choices, and you either agree that we should cut taxes or you do not. That is what we are going to vote on today. There are two clear choices: Give the American people a tax cut or keep the money in Washington where it surely will be spent.

Mr. ROTH. Mr. President, I yield 5 minutes to Senator HAGEL.

Mr. HAGEL. I thank the Chair. Mr. President, first I add my thanks and appreciation to the chairman of the Senate Finance Committee, Senator Hutchison for the leadership he has provided in getting a very fair, responsible, realistic, reasonable tax cut this far. It has been a rather remarkable achievement. It is the right thing for America.

I rise to state my strong support for this bill. We have heard a lot of talk about standards of fairness, is this right, does it help everyone. That is a good question, an appropriate question. I ask these questions: What can be more fair than an across-the-board reduction in marginal tax rates? Everyone who pays Federal income tax benefits.

Let’s put some perspective on this. This tax cut bill is focused on those who pay taxes. It might be a revelation that for so much of the discussion and we acknowledge that right from the beginning. This is about tax relief for those who pay Federal income taxes.

Another relevant question is: What is more fair than ensuring people do not pay more just because they are married? Was it fair that we penalized married couples? No. This tax bill addresses that issue, and we do something about it. In fact, we make it fair. Are only rich people married? I don’t think so. I think a lot of middle-class people are married. I think a lot of people at the bottom of the economic structure who pay Federal income taxes are married. Surely, they will benefit from this tax bill.

Another question: What is more fair than making sure farmers—we have been talking about farmers all week—and small businesspeople, the engine of economic growth in America, don’t have to sell their farms or their businesses in order to pass them on to their children so they, in fact, can keep farming?

That is fair. Are there people in the middle-class economic structure of America who so fit? I think so.

Another question: What is more fair than making sure self-employed individuals have the same opportunities as big corporations when it comes to deducting their taxes—we have more money than was needed for what they were buying. In fact, if business did not do that, you would think they were ripping you off.

It is somewhat incredible to me to imagine how the American public, when they see they are overpaying their taxes—we have more money than is needed to pay for the needs of Government, which are immense; $1.9 trillion, some pretty big need, the American people, at least polls are saying: Well, keep it. We really don’t need it. We don’t really need a tax cut. At least that is what the polls would have you believe. I do not believe that. You cannot believe it is good business for the Government to keep money that it does not need because what the Government will do is what a business would do. They will take it and use it to benefit themselves, not benefit the country.

I think that is what we are seeing happen already this year in Washington with the surplus projected for
next year to be some $14 billion. People are just banging down the door to spend that money. We spent half the surplus last night. The projected surplus is half gone. If we pass the Ag appropriations bill in the form it passed last night, it will be half gone. My guess is the House and Senate will want to pass even more than that.

So what my big concern is— I think the Senator from Nebraska hit the nail on the head—if we leave the money here, it will be spent. It will not be spent on the broad economy. It will not be spent to benefit the average taxpayer in America. It will be spent to benefit those who are loud enough or politically powerful enough to get that money set aside for them.

That is not the way things should operate when, you, the taxpayer have paid more than you should, that we are going to take that money and give it to someone who screams the loudest to get that money here in Washington, or who is on a personal crusade to get that extra money here in Washington, No.

What we have done in this modest tax relief package—everyone says how big this tax relief package is. This is modest tax relief. This is incremental tax relief. This is in the form of tax credits in over a 10-year period of time. This is tied to meeting our surplus targets. In other words, if our debt payments do not go down as projected, guess what. Most of this tax cut, or a big portion of it, does not even happen until future years.

So what is being talked about is this calamitous idea that we are going to give all this money—this horrible thing—back to the people who overpaid it. And at the same time, many are standing up saying: Look, we need this money to spend on all this. We need it here. Of course, the American public doesn't need it. You have more money than you need back home.

As someone who is raising four children, in a month and a half, I can tell you that raising a family is very expensive. I am not too sure anybody would, if you think about it, mind having a couple extra hundred dollars to be able to do some things to help them and their family.

That is what we are talking about. It is not a huge tax cut. I wish it were. I wish we could reduce taxes more, give more surplus back. I wish we could cut Government spending, pare down the growth of this Government. But we are not about that. We are talking about letting Government continue to increase its spending, letting the entitlement programs continue to flourish, and just giving a little bit of what is overpaid back.

I am excited about this particular package. There are lots of good things in this package— reductions in rates, the marriage penalty tax relief, and one particular provision I want to speak about for a minute or two is the American Community Renewal Act.

The American Community Renewal Act was not in the bill that passed in the Senate. I entered into a colloquy with Senator Roth, and he agreed he would look at what was included in the House package. He did. And included in this bill out of conference is a bill that does not just provide tax relief, which is what we talked about, but a provision to help those people in poor inner-city, rural, and inner-city communities who are not being lifted by the rising tide of this economy with incentives, such as the zero capital gains tax within these renewal communities.

On one hand, them would be designated. Twenty percent of them at least would have to be in rural areas, with a zero capital gains rate to help businesses start in those communities; to provide help for home ownership; expensing of businesses would be increased; wage credits; real powerful incentives for employment opportunities to happen within these communities, housing opportunities to happen within these communities, to see a real transformation, not just in the private sector, but not public-sector programs, not the Department of Housing and Urban Development, but, in fact, private sector incentives for private sector development and home ownership, which is the real key to America.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SANTORUM. I thank the chairman for including that in the bill today.

Mr. ROTH. Mr. President, I yield 6 minutes to the Senator from Minnesota.

Mr. GRAMS. I thank the Chair.

Mr. President, in a few hours we are going to cast a very important vote to return tax overpayments to working Americans. The passage of the conference report of the Taxpayer Reform Act will signal a clear victory for all Americans. I commend the Senate Republican leadership and especially Chairman Roth for their strong commitment to major tax relief in this Congress.

We promised to return to American families the non-Social Security tax overcharges they paid to the Government, and today we are going to fulfill that solemn promise. We can now proudly declare that: promises made are promises kept.

The proposed tax relief significantly reduces taxes for millions of American families and individuals and immediately eases working Americans' tax burden and allows them to keep a little more of their own money, again, for their own family's priorities.

The American people have every reason to celebrate this victory because they are the winners in this debate on tax cuts.

This tax relief is a victory for all Americans, particularly the middle-class, who will receive a $800 billion tax refund over the next 10 years.

It is a victory for millions of Minnesotans because each family in my state of Minnesota is expected to receive $8,000 in tax relief over 10 years.

It is a victory for the 22 million American couples who will no longer be penalized by the marriage penalty tax, because we completely eliminate this unfair tax.

It is a victory for millions of farmers and small business owners because this tax relief enables them to pass their hard-earned legacies to their children without being subject to the cruel death tax.

It is a victory for millions of self-employed and uninsured because health care is made more affordable to them with tax benefits.

It is a victory for millions of baby-boomers because the pension reform allows them to set aside more money for their retirement.

It is a victory for millions of entrepreneurs and investors because the capital gains tax is reduced to stimulate the economy.

It is also a victory for millions of parents, students, teachers, and workers because higher and better education will be available and affordable for a variety of tax benefits included in this package.

By any standard, the working men and women of this country are the winners, not Washington.

Moreover, in my judgment, this tax relief is from a sensible, responsible and prudent one. It reflects American values and is based on sound tax and fiscal policy. It comes at the right time for working Americans.

We must recall that Americans have long been overtaxed. Millions of middle-class families cannot even make ends meet due to the growing tax burden. They are desperately in need of the largest tax relief possible.

The budget surplus comes directly from income tax increases. These overpaid taxes are taken from American workers and they have every right to get it all back.

This tax relief takes only a small portion of the total budget surplus. In fact, only 23 cents of every dollar of the budget surplus goes for tax relief.

After providing this 23 cent tax relief, we have reserved enough budget surplus to protect Social Security and to reform Medicare, including prescription drug coverage for needy seniors. We further reduce the national debt and reserve funding for essential federal programs.

Contrary to Mr. Clinton's rhetoric that tax relief will cause recession, every tax cut will keep our economy strong, will create jobs, increase savings and productivity, forestall a recession and produce more tax revenues. Somehow, he believes that if Americans spend the money, it is bad, but if it is left here for Washington to spend, it is good. History has proved again and again that tax cuts work. It will prove this tax relief is a sound one as well.

I am also pleased that this tax relief does not come at the expense of seniors. We have locked in every penny of the $1.9 trillion Social Security surplus over the next 10 years, not for government programs, not for tax cuts, but
Mr. ENZI. I thank the Senator. Mr. President, I rise in strong support of the Financial Freedom Act of 1999. This bill represents the third prong in our plan to restore financial security to America’s families. Along with reducing the surplus for the fundamen-
tally reducing the national debt, the Financial Freedom Act of 1999 marks another sig-
nificant chapter in our continuing ef-
tort to bring stability to our national budget and financial discipline to Con-
gress.
I congratulate the chairman of the Finance Committee, Senator ROTH, for his unwavering determination to pro-
vide greater financial freedom to America’s families. I have no doubt about what we are debating today. We are debating whether we should return part of the overpayment by the taxpayers to the taxpayers, true overpayment. As an accountant, I am aware that, with the lowest rate and increasing the 
marginal income tax rates, beginning 
with the 28 percent bracket, bringing our tax 
rate down as a result of the 1-percent mar-
ginal tax rate.

This plan will reduce much of the dam-
ginal effect of our current 
tax policy in line with the rhetoric. If you 
put together tax cuts, the campaign-
ing the national debt, the Financial 
Freedom Act eliminates one of the 
most egregious effects of our current 
Tax Code—the marriage penalty. We 
have heard a lot of talk about sup-
port to a tax plan that is the largest increase in the history of America. 
We are trying to cut back on those 
tax increases because we have a surplus 
and because we believe that the surplus 
should be shared with the people who 
give us the money right. They are smart enough to earn it, not smart enough to spend it. I hope the President will trust the American people and make the right decision.

Mr. ROTH. Mr. President, I yield 5 
minutes to the distinguished Senator from 
Texas.

Mr. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee for giving us tax relief for the hard-working American family. We have heard a lot of debate in this Chamber in the last few hours, but it has been down to one basic issue, and that is whether we are for giving the people who earn the money the right to decide how to spend it. It comes down to one basic issue. We are for tax cuts, and I think the question is, Is the President for tax cuts? He campaigned 
saying he was for tax cuts for middle-
income people, but the President has 
not supported tax cuts yet.

In fact, the major area of tax policy 
that the President gave us was the 
largest increase in the history of America. 
We are trying to cut back on those 
tax increases because we have a surplus 
and because we believe that the surplus 
should be shared with the people who 
give us the money in the first place. 

A lot has been said about Social Se-
curity and whether we are going to 
maintain the stability of Social Secu-
ity. The answer is emphatically, we 
are; $2 trillion will come in over the 
next 10 years in Social Security sur-
plus. The Republican plan that is 
before us today totally keeps that $2 tril-
lion for Social Security stability.
The other $1 trillion in surplus over the next 10 years is in income tax surplus, withholding surplus, people's hard-earned money that they have sent to Washington in too great a quantity. It is that $1 trillion that we are talking about—giving back almost $25 cents per dollar of that trillion back to the people who earn it, and we think that is not only fair; it is required.

I worked very hard with Senator Ashcroft and Senator Brownback to eliminate the marriage tax penalty. This bill does it. We double the standard deduction so that people will not have a penalty because they get married. And, most of all, the people who need it the most are going to have total elimination of the tax on marriage. That is the schoolteacher and the nurse who get married and all of a sudden are in a double bracket, from 15 percent to 28 percent. One earns $25,000, the other earns $33,000, and together they go into the 28-percent bracket today, eliminates that from the Tax Code forever, period—gone.

The President has said he is going to veto that tax relief, and I don't understand it.

Let me talk about what it does for women. Of course, the marriage penalty tax hurts women. But we also know that women live longer and they have smaller pensions. They have smaller pensions because women go in and out of the workplace, and they lose the ability to have that growth in geometric proportions in their pensions. That has been an inequity for women in our country. We eliminate that in this bill, or at least we try. We help by allowing women over 50 who come back into the workplace to be able to set aside 50 percent more in their pensions to start catching up. So where most people—all of us—have a $10,000 limit on a 401(k), a woman over 50 who comes back into the workforce after raising her children, she be able to have a $15,000 set-aside in her 401(k). We also give help on IRAs.

It is very important to a woman who is going to live longer to have equal pension rights because she is more likely to have children, raise her children, maybe through the 1st grade or maybe through the 12th grade. We want to make sure we equalize that and recognize it. We have done that. Yet the President says he is going to veto that provision.

We have tax credits in this bill for those who would take care of their elderly parents, or an elderly relative, because we know one of the hardest things families face is how to take care of an elderly relative who doesn't want to go into a nursing home. Families would like to keep them. Sometimes they don't even want to do that, but long-term care is so expensive that they can't afford it. So we have credits for long-term care insurance, and we have credits for those who would care for their elderly parents.

So this bill lowers capital gains, lowers the death tax; it gives a benefit to everyone. The working people of this country deserve it. I hope the Senate will pass it. I hope the President will sign it and make good on all of our pledges to give the working people of this country relief.

Mr. President.

Mr. ROTH. Mr. President, I yield 5 minutes to the Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank the chairman, the Senator from Delaware, for his excellent work on drafting this compromise package and putting it together. I think it is a substantial bill of support for the American public. We need to give this money back to the American public for overpaying their taxes.

I rise in strong support of the conference report being considered today. This important bill provides broad-based tax relief to America's families and returns their tax overpayment to them in the form of a tax reduction. It is important that Congress return this money to the American people and allow them to do with it what they see fit.

I am particularly pleased to join in this effort on the elimination of the marriage penalty. The Senator from Delaware, for his excellent work on drafting this compromise package, along with Senator Ashcroft. This bill does important work on eliminating the marriage penalty tax and reducing that pernicious impact on our society. The American people need to get this rebate. I think we can do more and better with it than the Government can.

The conference report before us takes important steps, as I stated, toward eliminating the marriage penalty. It doubles the standard deduction, as well as widening the tax brackets, which does much to alleviate that terrible impact that the marriage penalty has on America's families. It impacts nearly 21 million American couples in this country.

Doubling the standard deduction helps families. Our families certainly need help. I am, therefore, pleased that the conference kept this provision, and I am hopeful that the President will sign the conference report and provide America's families with this important tax relief which they clearly deserve and clearly need.

Congress has drafted a tax bill. Now it will be up to the President. This session, Congress utilized its opportunity to provide for comprehensive tax relief. It has done that. Now the President must make use of this unique opportunity to help eliminate the marriage penalty.

It affects so many couples in our country—21 million—by forcing them to pay, on average, an additional $1,400 in taxes a year. The Government should not use the coercive power of the Tax Code to erode the foundation of our society.

We should support the sacred institution and the sacred bonds of marriage. Marriage in America certainly is in enough trouble the way it is, and it doesn't need to be penalized by the Government. According to a recent report out of Rutgers University, marriage is already in a state of decline. From 1960 to 1996, the annual number of marriages per 1,000 adult women declined almost 43 percent.

Now, when marriage as an institution breaks down, children do suffer. The few past decades have seen a huge increase in out-of-wedlock births and divorce. The combination of which has substantially had an overall impact on the well-being of our children in many ways. It has affected every family in this country. People struggle, and they try to help to support the family and the children as much as they can. But this institution of marriage has had great difficulty. In my own family, there has been difficulty as well. The Government should not tax marriage and further penalize it. There is a clear growth of work that helps and it works. Of course, the surging surplus is as a result of nonpayroll tax receipts. It is really a tax overpayment to the Government in personal income and capital gains tax. We must give the American people the growth rebate they deserve and return the overpayment. I believe we can, and must, start—and start now—to rid the American people of the marriage tax penalty. I look forward to working with the Chairman, as well as other colleagues, to make sure we get this job done.

In closing, this is a day we should celebrate. We are able to do something that sends a strong signal of support to families across this country, which is critically important to do. Yes, this has an impact overall, but I think it is a very positive impact to send that sort of signal to our struggling young families across this country. I think we clearly should do that.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I have the pleasure to yield 15 minutes to the distinguished Senator Lautenberg, my neighbor and friend from New Jersey, followed by 5 minutes to the distinguished Senator from South Dakota.
The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I ask whether or not the Senator from South Dakota would like to go first.

Mr. JOHNSON. I say to the Senator from New Jersey that I happen to be prepared so to get this time. But I would accommodate my friend.

Mr. LAUTENBERG. I suggest that he go first.

Mr. MOYNIHAN. Mr. President, I reverse your request.

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

Mr. JOHNSON. I thank my friend from New Jersey. Our Nation deserves a thoughtful tax and budget plan from Congress that places an emphasis on paying down our existing accumulated national debt, while protecting Social Security and Medicare, and investing in key domestic priorities and providing targeted tax relief for middle-class and working families.

On the marriage penalty, for instance, most families in America get a marriage tax bonus, not a penalty. But for those who are penalized, we have to address that in the Democratic plan while approaching this in a balanced fashion. But, sadly, the radical tax cut bill being considered by congressional Republicans could be described as simply "foolish," if not seriously dangerous to the future prosperity and security of every American family.

There are obvious reasons why even leading Republican economists so vigorously are condemning this irresponsible bill, and why it has become the butt of so much ridicule. First, the bill assumes that a $964 billion surplus over that needed for Social Security will absolutely materialize over the coming decades while our budget estimators in the past haven't even been able to estimate the economic growth over a year much less over 10 years. Common sense tells us that we should be careful about committing to use money that we do not yet have and may never have.

Second, this plan fails to use even a cent of the supposed $1 trillion surplus above Social Security to help pay down the $3.7 trillion public debt that our Nation currently owes. Paying down our debts would do more to keep the American economy growing than any other single thing the government could do.

Third, in order to find room for a $792 billion tax cut, we would have to not only pay down the accumulated debt but we would have to cut defense buying power by 17 percent and domestic programs, meaning law enforcement, VA, health, education, school construction, medical research, national parks, and so on by 23 percent over the coming 10 years. If we decline to cut defense dollar for dollar that we would have to cut these domestic initiatives by an outrageous 38 percent. What is even worse is that this tax bill is cyclically constructed so that the drain on the Treasury will explode and triple in cost during the second decade after passage.

Fourth, economic experts all over the country tell us that this tax package would cause inflation rates to go up. At the current time, the Federal Reserve is raising interest rates and warning us that putting one foot on the gas and one foot on the brake is not a sensible economic policy for our country.

The average American would receive would be negated through higher costs for financing everything from a house, to a car, to college education, to business expansion, and farming and ranching operations. If this bill becomes law, our middle-class families will wind up with fewer and not more dollars in their pockets. Fifth, this bill does absolutely nothing to prolong the life of Medicare much less provide for drug coverage payment reform that hospitals and clinics and medical institutions all over our country are in dire need of securing.

Specifically, this legislation outrageously provides an average $22,500 tax cut for the wealthiest 1 percent of American families. But a typical American family—a family in my State of South Dakota with an income of $38,000—would get a couple of bucks a week while paying higher interest costs for everything they buy. Wouldn't it make more sense to use a large portion of any surplus that actually materializes to pay down the accumulated national debt and then provide for targeted tax relief for middle-class and working families, protect Social Security and Medicare, and make some key investments in education, in the environment, infrastructure, and the things that we need to continue the economic growth in America?

I yield the remainder of time that I may have to my colleague from New Jersey, Senator Lautenberg.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I obviously oppose this Republican tax bill. I am going to explain why in a minute. But I would like to start off by using an expression that we heard kind of invented around here, and that is: There they go again. There they go again. Or: There you go.

The party that claims that its mission is fiscal responsibility has, once again, resorted to tax cuts to establish its role in fiscal management. I find it shocking. I must tell you that we suddenly wanted to distribute a tax cut, which everybody likes to do. Make no mistake about it. I heard the President this morning say: After we finish securing Social Security and securing some extra longevity for Medicare, then we ought to distribute some tax cut to the people.

But if you ask anybody who has a mortgage—and most people I know have one—whether they would like to get rid of the mortgage before they do anything else, if they had a choice, they would take the mortgage relief. I will tell you that. They would say: Look, that is the one thing that bends us, and especially if the mortgage lives on beyond their existence on Earth. And it pertains not only to children and their grandchildren. They would say: Look, let's get rid of that mortgage.

That is what we are talking about. We are all mortgagees in common when it comes to the debt. We owe it. My kids owe it. My grandchildren will owe it if we don't get rid of that debt.

What is proposed by the Democrats is that we pay down the debt, that we have a target of 15 years to get rid of all the public debt. It would be unheard of in contemporary terms, and maybe in historical terms as well, because I don't think there is any country in the world that has any advancement that could find itself with significant debt outside the government. But that is what is being proposed.

Here we are. We want to give a tax break. And it works like this: The top 1 percent of wage earners who average $800,000 a year, plus a typical American family—a family in my State of South Dakota with an income of $38,000—would get a $45,000 tax cut—just under $46,000. The person who works hard and struggles to keep their family intact, who struggles to keep opportunity available for their children's education and training and earns $38,000 a year would get about 40 cents a day in tax relief. This fellow who earns over $800,000 is going to get a $45,000 tax break.

I have heard my colleagues on the other side say, well, they pay most of it; why shouldn't they get most of it? Why? Because what difference does it make in the life of someone earning $800,000 and some a year whether they get a $45,000 tax cut? I am not saying they shouldn't get anything, but it simply doesn't compensate for the impact that it has when you take $157 and you give it to someone earning $38,000. It doesn't do much for them at all.

It permits this guy to buy a new boat, maybe even to make a downpayment on a second home. But to the other people who are struggling, often two-wage earners in the family, struggling to manage the future, it is impossible if you make $38,000 a year and you have a couple of kids.

Our Republican plan is now stripped down to its bare essentials. It says to raid Social Security if we must to give this tax cut, and don't pay any attention to Medicare, while people all over this country worry about their health care. Over 40 million of them have no health insurance at all. We are talking about Medicare and the sensitivity of appropriate health care for people who are in their advanced years.

Our Republican friends are saying: Don't worry about Medicare. Maybe we will find a way to take care of it one day. Or Social Security: Well, if it expires—I guess that is what they are saying—we will have to deal with it.
Just think. With all of this robust economy and the surpluses that we have, the Republican tax plan says this: That in a mere 6 years we will be digging into the Social Security surplus—6 years. With all the promises about the 32 trillion that is going to go into Social Security because it is earned there, it will start to be decimated within 6 years under the Republican tax plan.

I hope the message that goes out of here is that we are two different philosophies on how we ought to treat our treasure trough because we have been smart but we also have been lucky. We are lucky that we live in a country that is as rich in resources and talent and opportunity as is America. But, at the same time, it took a lot of work to plan for this. It took President Clinton's leadership when he arrived in office. Deficits were $290 billion a year— much of that attributed to the leadership of President Reagan who made a decision to respect, that tax cuts were the most important thing in the world and cut taxes all over the place while he borrowed from the public to finance it. What was the result? Inflation out of sight, and a lot of joblessness. We don't want to do that again. We should have learned. We are smart enough to have learned it the first time we saw it.

What will happen now? Beginning 6 years hence in 2005, Social Security starts to decline. It is recognized that a lot of baby boomers arrive at retirement age. It could force inflation upon us and cost more for borrowing. Whether for a house mortgage, an automobile, appliance, people would be paying more.

One of the most astounding things I find, all Members hover around Alan Greenspan because he has been so clever in the way he has managed his share of the economic policy in this country. We know that now. We know that.

I rise to oppose this conference report. I am proud just 2 years ago to be a lead cosponsor, for instance, of the cut in the capital gains tax and to support the initiatives of the chairman of the Finance Committee in encouraging savings. However, I am going to oppose this tax cut as I would tax cuts at any time when they were not needed to help our economy, not justified by the availability of money to support the tax cut. These are similar arguments I made against the reconciliation bill, this tax cut, when it was before the Senate last week.

It reappears as a conference report. It is officially the same. The chairs have been shuffled on this Titanic, but the fact remains that this big luxury liner of a tax cut is headed for an iceberg. It may well take the American economy down with it. The iceberg here is the cold, hard reality that there is no surplus to pay for the cut that this enacts. In fact, this Congress, in an act of legislative schizophrenia, is on one side saying there is a surplus, beginning with next year, that justifies this tax cut; on the other side, through the economic distortions, through double counting, through over-spending, is spending more than the surplus projected for next year. So that...
the reality is that "there is no there there." There is no surplus there to pay for this tax cut. My colleagues cite the Congressional Budget Office saying there will be, for instance, a $14 billion surplus next year and a $1 trillion surplus over the 10 years. But, as has been said on the floor, CBO, after making those surplus projections, also issued a report which makes very clear that they are based on Congress exercising self-control, the kind of self-control on spending we are showing each day of this session we are unable to exercise.

If you take the $1 trillion surplus the Congressional Budget Office estimated and then simply assume that Congresses over the next 10 years spend only the amount of money to operate our Government that we are spending this year, in 1999, adjusted only for inflation—real dollars—then that projected surplus of $1 trillion suddenly becomes $46 billion. What does it require? Just $1 trillion surplus by 2010. Cuts in spending that we all know are untenable. They are not going to happen. This Congress, and no Congress over the next decade, would enact them.

I am privileged to serve on the Senate Armed Services Committee. I think in that capacity I have learned some about the needs of our national security and our military, our defense. To achieve the $1 trillion surplus and live with the caps that currently exist would require cuts in defense spending over the next decade of approximately $200 billion. We cannot fulfill our constitutional responsibility to provide for the common defense of the United States of America over the next decade with $200 billion in cuts.

I have too much confidence in my colleagues who serve today, as well as those who will serve over the next decade, to believe we would ever do such jeopardize our security. It is just another way of saying the surplus projections are not real, and therefore enacting a tax cut which will not be backed up by available revenue will take America back down the road to a deficit before we hardly have had a chance to even appreciate the possibilities of a surplus.

Let us remember also a $1 trillion surplus estimate is based not only on a capacity in Congress to cut spending that is clearly shown already in this session we do not possess because it is based on a projection of continued 2.4-percent growth in our economy over the next decade, extending what is already the longest peacetime growth in an economy in our history. Just look at the news in the last week or two and consider the probability that we will continue to grow over this next 10 years, unimpeded by the world and events in the world. The value of the dollar has weakened in recent weeks, creating in other nations high-inflation, nationalized democracies, particularly in Europe and Japan, our close allies, for fear of what that will do to their economies, and also for fear of what that will do to the foreign dollars that are currently invested in our economy that may be withdrawn and the consequences that would have for our economy.

Have you been following the stock market in recent days and watching the extraordinary gyrations in the American market which show underlying unease? Do we want to put into that situation a large tax cut, a tax cut which this immense growth will further threaten inflation and instability in our economy? Why? Why take the risk? Fiscal responsibility helped to bring our economy to the point it is today: An unprecedented combination of high growth, low unemployment, low inflation. Why risk it all for a tax cut that is not needed to stimulate the economy and not demanded by the people of the United States of America?

I think we have to be conscious of how our fiscal actions affect the very global economy that helps to give us our strength. We are the only G-7 country running a budget surplus today. We are the only leading industrial economy that is positioned to deal with the global demographic challenge of retirements and keep discipline ourselves. As Asia and South America struggle through economic difficulties, we must remember that any sign of economic instability here could trigger an economic crisis there that will come back to bite us. We must have a strong economy. We have one now. Why jeopardize it? Why encumber it with debt? Why not save this money, pay down the debt, store it up to weather any economic crisis that may come our way?

There are times when I think of the famous Biblical story where Joseph advised Pharaoh in good times to put some away because good times would not last forever. I think we are in such a time now so we dare not let the cows and corn absorb themselves, as occurred in Joseph's dream. The result, I fear, is by passing a major tax cut, one paid by an imaginary surplus, we would incur sizable debts for years to come. Besides the effects on the financial markets and on our economy, we would leave little or no money available for building the solvency of Medicare and Social Security and thus raise the specter of a very high tax increase down the line when everything is needed to shore up our national debt. Why jeopardize it with debt? Why not save this money, pay down the debt, store it up to weather any economic crisis that may come our way?
Go back about 8 years. What was happening in this country then? A $290 billion annual deficit that was continuing to rise and economists predicted they would see those deficits rise forever into the future. We had a Dow Jones Industrial Average that had barely reached 3,000. We had a sluggish economy; job growth, 1988 to 1992 was one of the worst 4-year periods in history; unemployment rates, 7.1 percent annually from 1981 to 1992; median family income fell by $1,900 in a 4-year period; wages were falling; welfare rolls were increasing.

Have things improved in this country? You bet they have improved in this country. They have improved because we passed a new fiscal policy, a plan in the form of legislation in 1993. Some of our colleagues predicted it would throw this country into kind of a train wreck and ruin the economy. The economy was in big trouble back then. It is much improved now. Do you understand that?

In fact, today's newspaper is really interesting. A tiny little article on page 5 says:

Treasury plans to buy back debt.

My Lord, that ought to be on the front page with 3-inch headlines:

Treasury plans to buy back debt.

This country has $5.7 trillion in debt, and when we started with this plan we had a deficit in that year alone, and it was expected to continue to grow. Now we have a balanced budget, and the Treasury is beginning to buy back debt.

If we have surpluses that economists say they can see well into the future, what do we do? During tough economic times, it seems to me, a country always borrows money. How about during good economic times? Does a country pay it back? Does this country say, in giving that rare gift to the young people in this country: We will reduce the Federal debt; we ran it up during tough times, but in good times when we have a surplus, we will reduce the Federal debt? No, that is not what the majority party says. The majority party says: Here are our choices. Big tax cuts, most of it going to the upper 1 percent of income pregnant women and children? WIC, the investment we make in low-income families? 30 to 40 percent cuts in programs that invest in human capital? Does anybody really believe that? Does anybody think massive cuts in a program such as those programs that invest in human capital really do work? Those programs in education and health care that make this a better country, let's make sure those programs are provided for as well.

To develop a plan that implicitly assumes—and, yes, it does, no matter how much they decry that is not part of what they are doing—that implicitly assumes you are going to have 20-, 30-, and up to 40-percent cuts in programs that we know in this country work, that strengthen this country and improve this country and invest in the lives of people in this country in a very positive way, makes no sense at all.

My colleagues have used charts to de- scribe this tax proposal. There is, it seems to me, no chart that is better than this chart, which is where we were and where we are going. I hope we will decide to vote against this tax cut and have a more sensible fiscal policy as we go forward.

I yield the floor.

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

Who yields time?

Mr. GRAMM. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 20 minutes.

Mr. GRAMM. Mr. President, I have been called many things, some not always so flattering or nice, but I have never been called unconservative because I thought we ought not to let Government spend working people's money rather than giving it back to them.

There have been a lot of issues raised, and I want to go through and answer each and every one of them. Let me start with the rhetoric of our dear Democrat colleagues about, let's pay down this debt; don't give this money back to working people; we don't know what they are going to do with it; they might waste it; they might use it in an unwise way. Let Government keep it and where we are going. I hope we will decide to vote against this tax cut and have a more sensible fiscal policy as we go forward.

I have here a chart. I know this chart is hard to read because my mama saw it on television and could not read it. But believe me, I can read it, and I am going to read it to you.

How is Social Security issue? This plan also raids the Social Security program after the first 5 years. That is a plain fact.

What are our choices? The enduring truth of this country's existence for a number of decades has been two things: One, a cold war with the Soviet Union; and, two, a budget deficit that seemed always to grow worse. For four or five decades, that was the enduring truth laid upon us by the overwhelming majority of our choices. Now the Soviet Union does not exist, the cold war is over, the budget deficits are gone, and everything has changed.

Economists predict surpluses well into the future, and I said before these are economists who cannot remember their home phone numbers or addresses and they are telling us what is going to happen 3 years, 5 years, 10 years into the future. God bless them, maybe they are right, maybe not. Forty of the forty-five leading economists the year prior to the last recession predicted it would be a year of economic growth. So economists do not always hit the mark. Economics, as you know, is psych- ology pumped with a little helium, an advanced degree, and then they give us projections. Our friends on the other side say just projections, that is enough, just projections alone will compel us to pass a bill that will take $800 billion and put it in the form of tax cuts. The majority party says: Here are our choices. Big tax cuts, most of it going to the upper 1 percent of income pregnant women and children?

It is their right. They have the votes. We do not need them there, we count them. And when you count up the votes, they win. But it is a risky riverboat gamble for this country's economy. Those who have been giving us the most advice about this plan of theirs and how wonderful it is for our country are the very same people who were so fundamentally wrong 8 years ago.

Now they say: We have a new plan. I say: What about your old one? It seems to me maybe we should make rational, thoughtful choices. Yes, there is room for a tax cut if we get the sur- pluses that the economists predict.

The first choice, it seems to me, ought to be, during good economic times you pay down part of the Federal debt. That is the best gift we could give the children of this country, and that would also stimulate lower interest rates and more economic growth.

The second choice for us to decide as a country has to confront a demographic time bomb in Medicare and Social Security, and we must con- front it; let's use some of these sur- pluses to do that.

Third, let's also make sure our in- vestments that make this a better country and better place in which to live are provided for. Yes, education, health care. Does anybody really believe it is going to help this country to have massive cuts in a program such as WIC, the investment we make in low-income pregnant children? Does anybody think massive cuts in those kinds of programs or massive cuts in Pell grants for poor students to go to college are going to help this country? I don't think so. That is where this plan leads us.

Our choices, in my judgment, are use this projected surplus when it exists to make a real dent in this country's debt and spend, let's have some targeted tax cuts, but after we have committed ourselves to extend the solvency of So- cial Security and extend the solvency of Medicare. Then let's make sure those programs that invest in human capital really do work; those programs in education and health care that make this a better country, let's make sure those programs are provided for as well.

To develop a plan that implicitly assumes—and, yes, it does, no matter how much they decry that is not part of what they are doing—that implicitly assumes you are going to have 20-, 30-, and up to 40-percent cuts in programs that we know in this country work, that strengthen this country and im- prove this country and invest in the lives of people in this country in a very positive way, makes no sense at all.

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Budget Office that is made up of experts, accountants, economists, that basically serve as a reality check on both Democrats and Republicans.

They just completed what they call their Mid-Session Review, where in the middle of the year they look at the President’s budget, which our Democrat colleagues are supporting, and they looked at our budget resolution, which included our $792 billion, and they reported to the Congress and the American people about these two competing plans and what these plans would mean in terms of the Government budget.

If you listened to our Democrat colleagues, they are trying to tell you it is a bad idea for us to give back roughly 25 cents out of every dollar of the projected surplus to working people. They say: Let us pay down debt.

But when the Congressional Budget Office looked at the President’s budget, they found that the President is proposing spending $1.033 trillion on increases for 81 Government programs. They found that the President proposes spending $1.033 trillion on 81 programs as an alternative to our tax cut, and since our tax cut under the Republican budget is $792 billion, we actually pay off $219 billion more in debt than the President does. They talk about this money being used to pay down debt, but the President not only spends every penny of the non-Social Security surplus, plus roughly $29 billion, but the President also spends every penny of the Social Security trust fund in 3 of the 10 years just to pay for all of his new spending.

So when you hear one of our Democrat colleagues say: Oh, it is a terrible idea to give working people back roughly 25 cents out of every dollar of the surplus because wouldn’t it be better to use it to buy down debt? Please remember that the budget they support, written by President Clinton, spends every penny of the non-Social Security surplus, plus roughly $29 billion. So while they say: Let us buy down debt. Their program is to spend every penny of that money on increasing 81 government programs.

The reason this is so important that people understand is, this is not a debate between buying down debt and tax cuts. In fact, as the nonpartisan Congressional Budget Office has shown, after you look at all the spending the President did, the way he wound up simply deficit $1.959 trillion. Our budget, with this tax cut, would buy down debt $2.178 trillion, or $219 billion more.

The debate is not between buying down debt—in fact, we pay off more debt than the Democrats do. The debate is between spending the money on these 81 Government programs versus letting Americans keep more of what they earn.

If we were going to have a totally honest debate, it would be our Democrat colleagues standing up and talking about these 81 Government programs and the $1 trillion they would spend, and asking working Americans tonight to listen to what they say: listen to our tax cut; and then sit down around their kitchen table and ask themselves a question: Can Government in Washington, with President Clinton’s programs, spend this money to help our family more than we could if we got to keep this money for our own family? Can they do a better job spending our money than we can?

Obviously, that is a very different debate. Our colleagues do not want to have that debate. But their budget would spend every penny of the non-Social Security surplus.

So when people are saying: Don’t give this tax cut. Let us buy down debt, their budget spends every penny of this money, plus plundering some of the Social Security trust fund.

So the debate is about whether we let the American people have the money and save it or spend it or invest it or whether they want to let Government spend it.

Our colleague said: Let’s put some money away in case the good times don’t last. Who is better to put money away in case the good times don’t last? Working people, with their own money, or Government? When is the last time any Government spent every penny of the surplus?

I don’t remember it. We are already $21 billion over the spending totals that the President and the Congress agreed to. We are not putting any surplus away. Yesterday, we had the adoption of a farm bill that spent another $7.4 billion, taking every penny of it right out of the surplus. So this money is being spent, is the first point, and that is the debate.

The second point is, some of our colleagues have said: Well, boy, this is a huge tax cut, and we don’t need this debate. And so I have two sets of figures I want to ask you to look at. First is the most interesting to me. These are the 7 years in American history where the tax burden on the American people has been at its highest level. One of my staff members, clever as he is, summed this up by saying, the “Causes of Record Taxes: War and Clinton.” Because if you look at the record tax burdens in American history, out of the six highest, four of them are Clinton years, and two of them are World War II—Harry Truman and Franklin Roosevelt—when government defense was 38 percent of the economy and 37 percent of the economy. Now it is less than 3 percent.

The only other year where we have had a tax burden even approaching the one we have now was the year Ronald Reagan became President, and we were debating cutting taxes across the board by 25 percent.

Our colleagues say: Well, it was just a terrible thing to do. We should have never cut taxes when Ronald Reagan was President. Our President was in the middle of the Reagan recovery. A couple making $50,000 a year, had we not had the Roth-Kemp tax cut, would have been paying $12,626 a year now in income taxes instead of paying $6,242. Our Democrat colleagues think that would be great. We thought it was a bad idea. So in the Reagan budget we cut taxes. The economy started to grow. We rebuilt defense. We won the cold war. We tore down the Berlin Wall.

But this is the most telling chart of all. You hear all this stuff about: Oh, this is a huge tax cut, and many of the writers and many of the columnists are beginning to pick this up. But nobody goes back and looks at the facts.

Mr. DURBIN. Would the Senator yield for a question?

Mr. GRAMM. I will be glad to yield when I get through if I have time.

Now here are the facts. If you take revenues over the next 10 years that are projected, our tax cut is less than 3.5 percent. In other words, our tax cut cuts taxes, in terms of projected revenue, by under 3.5 percent. That is this huge tax cut we are debating about.

But this chart is really telling. The day Bill Clinton became President, before we raised taxes—or President Clinton raised taxes—many of our colleagues have pointed out that not one Republican voted for that tax increase; and before he raised taxes in 1993, the Government was taking 17.8 cents out of every dollar earned by every American in Federal taxes.

Today the Federal Government is taking 20.6 cents out of every dollar earned by every American in Federal taxes. That is the highest peacetime level of government taxes in American history, the second highest tax burden, second only to 1944 in American history. If we took the whole $1 trillion non-Social Security surplus—and I note that we are taking less than $800 billion—if we took all of it and cut taxes, we would still be taking, when the full tax cut is in effect 10 years from now, 18.8 cents out of every dollar earned by every American in Federal taxes.

Why is that important? It is important because what is being called a huge tax cut actually leaves taxes substantially above where they were the day Bill Clinton became President. So what is being called a huge, irresponsible, riverboat gamble—I was thinking Senator BRAXTON HUBER might want to defend riverboat gambling—what is being called a huge tax cut we are talking about simply talking about giving back some of this huge tax increase. By the way, the President said later, at a fund-raiser, that he raised taxes too much in 1993. Our tax cut would still leave the tax burden substantially above where it was when Bill Clinton became President.

Let me address the issue very briefly about rich people getting this tax cut. You need to understand when our Democrat colleagues speak that they have a code. The code is: every tax increase is on rich people; every tax cut is for rich people. So you don’t ever want to cut taxes because it helps rich people.
You always want to raise them because it hurts rich people. You are not for rich people.

The problem is, when that argument was made on the President’s tax increase in 1993, they taxed gasoline, and gasoline is bought by both the rich and the poor. They taxed Social Security benefits on incomes of $25,000 or more. That is hardly what we call rich.

When we debated this issue when it first came to the Senate, one of our colleagues said: The tax bill gives 60 percent of the tax cut to the top 25 percent of income earners in America. Can you imagine that this tax cut gives 60 percent of the benefits to the top 25 percent of income earners? But nobody bothered to point out that the top 25 percent of income earners pay 81.3 percent of the taxes. The truth is that the Roth tax cut, in terms of the rate cut, actually makes taxes more progressive, even though it reduces everybody’s taxes. It reduces lower-income people’s taxes much more.

Actually, I wanted it to be cut across the board. You have heard many people say: Some 30 percent of Americans under this tax cut get no tax cut. Can you imagine a tax cut where almost 50 percent get no income tax cut? That sounds crazy until you realize that roughly 30 percent of Americans pay no income taxes. Most taxpayers don’t get food stamps. They don’t get TANF. They don’t get Medicaid because they are not poor. Those programs are not for them.

Tax cuts are for taxpayers. If you don’t pay taxes, you don’t get a tax cut. It is not because we don’t love you. It is because there is something wrong with you. It is just that tax cuts are for taxpayers. So we are cutting income taxes. If you don’t pay income taxes, you don’t get a tax cut. Remember that when you hear all this garbage about the rich taking all the benefits. We are not the rich.

Quite frankly, I think we do our country an injustice when we keep trying to pit people against each other based on their income. The plain truth is, if we could calculate this out, the Roth tax cut, the parts of it that we have enough data on in this short period of time to look at, it probably makes the tax code a little more progressive than it is. I don’t think we ought to be doing that. I don’t have any problem in saying, if you don’t pay any taxes, you don’t get a tax cut. If you pay a lot of taxes, you get a lot of tax cut.

If we had a 10-percent across-the-board cut—unfortunately, we don’t quite get that; I am proud of what we got—but if ROCKEFELLER makes 10 times as much money as I do, he would get 10 times as big a tax cut. Some people get upset about that, but I don’t get upset about it.

Alan Greenspan has become, his own admission, almost like a bible. Everybody quotes him to make their point. Generally the people quote him to make points that are 180 degrees out of sync. If you listen to the quotes by many of our Democrat colleagues, you would believe that Alan Greenspan has said: Never, ever, ever, under any circumstance, should we give anybody a tax cut. The reality is, what Alan Greenspan has said is very clear. His first priority is to spend any of the surplus and to not give any of it back in taxes. But Alan Greenspan says:

If you find that as a consequence of those surpluses they tend to be spent, then I would be more in favor of tax cuts, because the least desirable outcome is using those surpluses for expanded outlays.

I submit that is exactly where we find ourselves when we look at the fact that we are spending the surplus as quickly as we can spend it, and the President has proposed spending $1 trillion of it over the next 10 years.

The final point I will make, before summing up, is that several of my colleagues have asked me—and boy, it is legitimate. When I was in economics, I never made predictions that would either prove true or false within 100 years. And then I didn’t worry about it.

It is true that when President Clinton first submitted his economic program, as we debated it in those first 2 years, I said some awfully unkind things about it—not things you couldn’t print in the paper, but they weren’t generous. I suggested that if it was adopted, we would have a recession.

Our colleagues have said: Well, look at the wonderful economy we have.

In my final, major points, I will, as Paul Harvey, give you the rest of the story. To listen to our colleagues today, they would have you believe that all of the Clinton program was just a tax increase. But there were two other parts of it. If we are going to be fair to my quote, we need to be fair in saying there were two other parts of the Clinton program in those first 2 years. It certainly did raise taxes. I certainly was against it, and I still believe the economy would be better off if we had not done it. But the other two parts our Democrat colleagues want to forget. The first was a major spending program that spent $17 billion in the first year.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator’s time has expired.

Mr. GRAMM. I ask for 5 additional minutes.

Mr. ROTH. I yield 5 additional minutes.

Mr. GRAMM. The second part of the program that everybody doesn’t talk about is a proposal to spend $17 billion to “stimulate the economy.” Our colleagues from Oklahoma remembers it because we discovered, in one of the happiest discoveries in recent political history, that when you looked at that program, it was going to spend money on purchases by communities, and on that list was an Alpine slide in Puerto Rico and an ice-skating warming hut in Connecticut.

We had endless good times about that and, in the end, while we had a Republican minority and a Democrat majority, we actually filibustered and killed the $17 billion of spending.

I don’t have my copy of the Clinton health care program. That plan had a 100 percent rating from the doctors. If the doctors would work for the Government and the Government would run the health care system. So if we are going to be fair in quoting my statement, let’s remember that the plan had three parts; we killed two of the three.

The final thing—and I probably ought not do this, but we are getting ready to go on recess, so why not. “Bill Clinton balanced the budget and made everything wonderful.” We have all heard that. We heard it before I got up to speak. But I have in my hand President Clinton’s budget for fiscal year 1996. This was the budget that the new Republican Congress got in January of 1995. I do remember this. One of my staff provided me with these unkind remarks, when I said in 1993, regarding this Clinton health care bill, “If we pass it, we will be hunting Democrats down with dogs all over America.” Well, we didn’t pass it, but we elected the first Republican majority in both Houses of Congress since 1952.

In any case, to finish my point, when this new Republican Congress got here, this was the budget the President had sent them. This budget, right on page 2, projected a deficit of roughly $200 billion through the year 2000. The new Republican majority took this budget and threw it into the trash can, and we adopted a new budget.

This chart, both is the Clinton deficit projected in 1996. This is what we achieved with the Republican majority. Now, did we really do all that? No. Did Clinton do all that? No. The plain truth is that we had basically a stalemate, and we stopped virtually all new spending. In fact, with all this talk about the gloom and doom, we were able to control spending a little bit. The economy took off and we balanced the Federal budget.

Let me sum up by simply saying this. I want to congratulate our chairman, who has put together a tax bill that is as good a tax bill as you can write in the Senate and get 51 people to vote for. I want to congratulate him for his leadership. If you trust the American people and their ability to spend their own money better than the Government, vote for this tax cut. If you believe the Government can spend it better and will make America richer, freer, and happier by spending it, rather than letting them have it, then you ought to vote against it. That is the choice.

I yield the floor.
Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I point out that 80 percent of non-retired American adults pay more in Social Security tax than in income taxes. This is a point we are not dealing with much.

I have the honor and privilege to yield 5 minutes to my friend from Louisiana.

Mr. BREAUX. Mr. President, I thank the Senator from New York and also the distinguished chairman of the full committee, the Senator from Delaware. They are both distinguished gentlemen.

I just make a note that when we use the term “distinguished gentleman,” we use it sometimes lackadaisically in the Senate. In this case, I think it is important for us to note that there are probably no two finer gentlemen in this body today than the Senator from Delaware, the chairman of this committee, and the Senator from New York, the ranking member of our committee. They are gentlemen in the sense of how they have had to conduct the affairs of this conference report and other tax bills to the American public. Although they have had differences in what they thought the ultimate product should look like, both of these two distinguished Senators have conducted themselves in the finest sense of being a gentleman, and they have treated these provisions that I think has kept our committee together. I congratulate them for that.

Let me say a couple of words about where we are. Unfortunately, the debate we are hearing on the floor today is about something that is not going to happen. We are spending all of this time talking about something that is not going to become law: it is not going to occur because none of this will, in fact, become legislation. It will only be something about which we have talked. Many colleagues on this side of the aisle are talking about how bad the provisions are in the conference report, and many colleagues on this side of the aisle are talking about how wonderful the provisions in the bill are.

The bottom line is we are talking about something that is not going to happen because it is very clear to everybody in America, and everybody in Washington, that when this bill gets down to the President in this form, it is going to be vetoed. The veto will not be overridden.

All of this exercise today, while I am sure it is important to make our political points, is not talking about what is going to benefit the people of our country. As a result of where we are, there will be no reduction in the marriage penalty. It is not going to be fixed. It is not going to be addressed by this product. There will be no reduction of the taxes from 15 percent to 10 percent or 14 percent. That is not going to become law. There is not going to be any increase in the standard deduction for hard-working Americans. The standard deduction is not going to go up. The marriage penalty is not going to go down. Estate taxes are not going to be repealed. Estate taxes are not going to be reduced. It will be the same after the Tax Act of this country. The credits are not going to go up. Health care credits for people who don’t have health care will not be assisted because all of the things we have in these various pieces of legislation that we tried to get in there in a package that could be signed will, in fact, not be signed into law.

In many ways, this is an exercise in futility—in the sense that we know it will never become law. This debate, however, I think is still important. It is important to point out some of the things that are in the bill, which I find sort of interesting. I know my colleagues have looked at this list. It is a list of all of the things that are in the bill that are going to be sunsetted. We have more sunsets in this bill than they had in the movie “South Pacific.” The broad-based tax relief is going to be sunsetted. The marriage penalty will be sunsetted. The AMT relief, the capital gains reduction, and the individual AMT relief that Senator Roth has worked so hard on, will be sunsetted. Assistance for distressed communities will be sunsetted. There is a sunset on every page. It is enough to put us to sleep. The problem is that all of these provisions that we have are not going to become law.

But I think the debate we have is important because I always remain optimistic. I guess when I lose my optimism, I will lose my interest in serving in this esteemed body; and I haven’t reached that point yet. I think it is important to have this debate. It is unfortunate that we only have 10 hours. It is unfortunate that we had 20 hours for 100 Senators to debate a major reform in this Code of this country. I think we have to recognize that the system in which we bring tax bills to the Senate floor for open debate needs to go back to that old system where we have open debate on something as important as tax policy. We used to do it and produce good bills. The distinguished ranking member and the chairman remembers those days. We need to go back to the process whereby we have open and complete debate on tax laws in this country.

The final point I will make is that I hope sometime when we come back—after we have had the veto ceremony and the response to the veto ceremony, and everybody has gotten it off their chests, we can come back in September, as the chairman has said, and address the real issue of Medicare, try to look at what amount of money we really need in Medicare. We have a plug number in the Democratic bill of $220 billion. We don’t need that much. I don’t think we need more than $150 billion more in Medicare and make it any better than it is today. But we can reform it; we can figure out how much money we do need because we do need more money.

We can figure out how to craft a program that brings Medicare into the 21st century. It was a great program in 1965. This is approaching the 21st century, and the model of 1965 does not fit what we need to do for the 21st century. We need to reform it and figure out how much money we need for a good, solid prescription drug program, particularly one which we might categorize as catastrophic protection, and try to combine that legislation with a realistic tax bill.

I recommend that we also consider doing something on Social Security—certainly a lockbox, a temporary protection—but we need real reform for that program as well. We need to look at the private sector to help increase the return on Social Security investments from what we have right now as part of any real reform effort.

It is interesting to note that, with all the trigger mechanisms, it looks like a shooting gallery as far as all the triggers that have to go into effect before the tax bill goes into effect. Add the sunset provisions and trigger mechanisms, and I doubt that anybody in this body can tell you what the real tax benefits are going to be for the American people. Is it going to be $800 billion, or $545 billion, which is sort of pretty close to what a centrist group recommended of $500 billion. I suggest that we have, at best, a mishmash of differing recommendations and viewpoints about what the tax bill ought to look like.

I am not sure, with all the sunsets and everything else we have in here, that anybody can really describe exactly what we are presenting to the American public other than a political issue. We are going to have a great political debate on both sides of the aisle. We are going to criticize everything coming from our opponents from both perspectives, but we are going to ultimately be talking about what we didn’t do. We are going to be talking about what we are going to talk about whose fault it is that we didn’t accomplish anything. That is really unfortunate.
I happen to think the American people would much prefer for us to have a debate on success: You did it. We did it. No. You did it. But at least we would be talking about success. We would be talking about something we did instead of debating failure and whose fault it was that we weren't able to come together.

We have a divided government. The President is a Democrat. He is going to be there until the next election. And who knows what after that?

I guess I am saying that I congratulate our two leaders. They did a terrific job. I greatly respect them for it. Hopefully, we can come back and do it later in a better fashion.

Mr. MOYNIHAN. Mr. President. I hope we have listened carefully to what the Senator from Louisiana has said. He is generous and optimistic, and it might just turn out to be true.

I yield the floor.

Mr. ROTH. Mr. President, I yield 10 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the chairman for yielding. Let me, than any other Senator, I think, the tremendous work he has done in the last several months to produce a tax package that is here on the floor.

Let me turn to my colleague from Louisiana first. I wish the President would acknowledge Senator's leadership, for if he had followed his leadership, we would have a Medicare package and be working on it right now. But the President chose to politicize Medicare and to walk away from his Democratic colleagues whom he placed onto the Commission to do the work that they did so well in a bipartisan way.

And we are here today without a fix for Medicare because the President did not awaken to the responsibility he had that regard and the opportunity that the Senator from Louisiana and the Senator from Nebraska had helped create in the Medicare Commission. I wish the President had awakened, but he chose not to.

We are here today debating a tax relief bill for the American people, a relief bill that, in my opinion, is responsible, reasonable. In all fairness, given the total picture of our budget and our projected revenues, it is, in fact, modest tax relief.

Some would be surprised by that statement on the modest size of this tax relief package if they were to listen to the rhetoric from the other side of the aisle. But that is the truth. It is responsible tax relief, within the responsible budget plan which we passed earlier this year.

Under this plan, we use three-fourths of the total budget surplus to pay down the public debt by nearly one-half over 10 years and completely protect the Social Security system. For the first time in the history of our Government, our budget commits us to reserving all of future Social Security surpluses and all future Social Security revenues exclusively for Social Security beneficiaries. That is a first for all of us; it is an important and responsible first.

If we continue to hold the line on new spending, that discipline plus some of the leftover surplus funds, also will allow us to prudently finance Medicare reforms, meet emergencies, and address additional priorities that we may face, also all within that three-fourths of the surplus that we are setting aside.

This tax relief bill draws on the remaining one-fourth of the total surplus. This is hardly not reckless, like some have said. It is responsible, reasonable, and modest to take just one-fourth of the total surplus and return it to the American people.

These facts seem to go unrecognized on the other side of the aisle. After we safeguard Social Security, meet the true and real responsibilities of Government, account for Medicare and other priorities, what do we do in this bill is say to those whom we have overcharged, those who have overpaid their income taxes, we are going to refund to you a little of your own money.

Too many in Government and the President plan to miss this fundamental set of question: Who earns the money in the first place? Whose money is it? I am always fascinated by the debate on taxes when the other side seems to think that nearly everything the working person owns is the Government's. And if we are providing tax relief, somehow in our generosity, we are turning to them and smiling, and saying: We are going to give you back just a little.

Are we, to quote some on the other side, "spending" this money on a tax cut? Are we giving it back? No. We are saying it belongs to the worker who earned it, and that he or she should be able to keep a little more of the fruits of his or her own labors.

What the President is saying is that we don't take so much in the first place—that we have enough right now to fund Government in a responsible way, and we ought to recognize that it is the working person out there who are taking it from, and we ought to return the overcharge.

This tax relief is phased in, meaning future Congresses will have plenty of time to react if the economic conditions of our country change. That is also part of the argument why this bill is responsible.

The bill represents only a 3.5 percent tax cut. That is modest, especially for the most heavily taxed generation in American history.

Some of the future tax relief won't even kick in unless the national debt is in fact being reduced. I think that is responsible. Yet we hear the mantra again of, pay down the debt, pay down the debt.

If you would read the facts of this tax relief bill we have put together, and the budget it implements, we are paying down a very substantial part of the debt—more than one-half of it. In fact, we already have paid down $142 billion in the public debt in the last 2 years.

Under our budget, and on top of this tax relief, we will pay down over $200 billion in debt more than the President's budget called for, even though he vetoed one of those out there talking about debt reduction at this moment.

Let me make you a deal, Mr. President. You say you are going to veto the tax cut. Well, if you veto the tax cut, why don't you bring to us a lockbox proposal that puts all of that surplus in a lockbox to pay down the debt? A lockbox that makes a binding guarantee that not one cent of the surplus will go to new spending. You are not about to do that, Mr. President.

But if you would, I would support you in it because debt reduction is important. It would help the economy of this country.

But one has to wonder if the President just flat isn't speaking with all of the truth that he ought to be. Look at what the President has done this year: new spending, new spending. In fact, his own budget this year calls for spending the entire non-Social Security surplus, and then raiding the Social Security trust funds for some more new spending. I am seeking for President and Congress and I say to you what you do come together—they don't add up. What you say about new spending in your budget doesn't match what you say about debt reduction when you oppose this tax relief.

I don't think I would have to eat my hat on that kind of a promise to the President—that I would be willing to support him if he would take all of the surplus and put it in a fund to pay down the debt, because that is just not about to happen.

No, the real issue here is not tax relief versus paying down the debt.

The real issue is tax relief versus spending. We all know that. We were spending money yesterday. Frankly, I don't think there is going to be spending. That spending used some of the surplus and is going to relieve the current crisis circumstance in producing agriculture today across this country. I supported that agriculture appropriations bill because our farm families are facing an emergency. But I also know if we leave all the taxpayers' money in Washington, DC, all the surplus, it will get spent, and not just on emergencies. If we send it back to the people who earned it and own it, then it won't get spent by government. If we leave it in the government, we would have to go back to the people and ask them for the right to spend more, by changing the tax structure to increase future revenues.

Who believes if Government takes in $3 trillion in surplus revenue over the next 10 years, that Government won't spend it? We know they will spend it.

The National Taxpayers Union Foundation does a little thing called "Bill Tally." They tally up all of the new bills introduced by members of Congress every year and what those new bills will represent in new and increased government spending. Mr.
President, 84 of 100 Senators—that means Democrat and Republican alike—last year introduced new legislation that would lead to an additional $28 billion in spending per year, on average. Not over the next 10 years but in one alone—Democrat and Republican alike. New ideas, new bills, new spending. It is the habit of Government. Of course, we know that. That represents about a $323 increase in spending from every American taxpayer that is already on the wish list of most of the Senate.

I hope and believe we can resist the temptation to spend the three-fourths of the surplus we reserve to pay down the debt, save Social Security, and reserve some for other future priorities. That is what we ought to be doing with it. That is what we promised in the Congressional budget we passed earlier this year. Yet, the temptation will be there to spend the remaining one-forth, and part of that three-fourths, as well. That is the simple debate today is about bigger Government versus bigger household budgets—private citizen household budgets. I hope helping those American household budgets is what this Senate ultimately will support. I hope over the course of August we can convince this President that he really ought to be more on the side of the American taxpayer than on the side of ever-bigger Government.

This tax relief bill is fair. Yes, it is fair. I can hear some nay-sayers about tax cuts only going to the rich. The Senator from Texas did a marvellous job a few moments ago talking about how the folks on the other side of the aisle think it only goes to the rich. I am amazed and, frankly, frustrated that every time we talk tax relief, immediately Democrats run to the microphones and say it is for the rich, the rich are going to get the benefit of a tax relief proposal.

That is not the case in this bill. The chairman of the Finance Committee in the Senate deserves a lot of credit for focusing this bill right on middle America, right at husbands and wives, working and trying to raise a family out there in the market place, wage-earners who are paying the bulk of these taxes.

Every American who pays income taxes will receive some benefit from this bill. The middle class Americans who pay most of the income taxes will get, by far, most of the income tax reduction. That is the way it ought to be.

What we are actually doing in this proposal is making the tax code a little more progressive. Middle-income taxpayers will receive proportionately more relief, we hope the taxes they pay, than upper-income taxpayers. But everyone who pays income taxes gets income tax relief.

This bill is fair because it shows compassion for the most heavily taxed generation of history.

Several of my colleagues have come to the floor to talk about that tax burden. But I am amazed my Democrat friends and colleagues don’t seem to recognize it. Surely they do. In fact, somehow, they actually are allowing their President to propose more taxes, which he did in his budget proposal this year.

The heavy tax burden has hurt people. It has robbed a whole generation of the opportunity to plan their retirement. It has forced families into adding a second and third income, rather than spending time taking care of children or elderly parents. It has robbed Americans of their freedom.

Today’s baby boomer family is paying, on average, 50 percent more in taxes at all levels, as a portion of income, than then their parents did when they were raising their families.

Only one year in history, 1944, at the height of the largest war in the history of the world, requiring incredible financial sacrifice, saw the federal government take in taxes a larger share of the national income than we are now paying.

This tax relief bill will help real people with real needs. There are two ways we can help people: We can create bigger government, with more bureaucrats, with more programs and red tape; or we can provide broad-based tax relief. We can provide targeted tax relief and incentives for folks to use for specific, beneficial purposes.

If we really care about people, we care about helping them in the most direct, most effective way possible. Here’s some of how we do that in this tax relief bill:

Marriage penalty relief: It just isn’t fair to force two individuals to pay hundreds of dollars more in taxes simply because they are married.

Death tax relief: It just isn’t fair that working families sometimes have to sell part or all of the family farm or the family business just to pay taxes. I’ve seen family farms carved up because of the death tax. The other side would have us believe that this is a debate about the so-called “estates” of rich people. It’s not.

Help for families with children:

It would allow more parents to afford child care, both because it increases and expands the child care tax credit.

It allows more modest- and middle-income families to make full use of the child tax credit we enacted in the 1997 Tax Relief Act.

It expands the tax exclusion for foster care payments.

Help for individuals and families with education:

It would make education more affordable and available to individuals and families alike.

It includes tax-free, qualified tuition plans; extends the employer-provided tuition assistance; makes our 1997 education tax credits more fully available to modest- and middle-income families, by taking it out of the Alternative Minimum Tax calculations; and includes the Coverdell-Torrilli education savings account.

Help with health care, long-term care, and elderly health care:

It increases the affordability of prescription drug insurance; health insurance for those who aren’t covered by a corporate plan; long-term insurance, both for those who must pay for their own and those with cafeteria plans. Workers who work for the less fortunate, and promote the social good, with an above-the-line deduction for charitable donations. This bill is needed by the American people.

When the facts are known, I am confident they will send one message back to Washington, DC: Please Mr. President, sign this bill into law. Let us make the first-fourth of the surplus for our families, our communities and our future financial security, instead of confiscating it for more big government.

I conclude by saying this is a fair tax proposal. In all fairness, compared with the total size of the Federal budget and the Federal government tax burden, it is modest. I close by once again recognizing the chairman of the Finance Committee for the tremendous work he has done to build that balance and fairness into this bill.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I have the great pleasure to yield 10 minutes to my good friend and colleague on the Finance Committee, the Senator from Montana.

Mr. BAUCUS. I very much thank my good friend from New York.

In a couple of years when the Senator is no longer here, we will miss him very much. I know of no Senator more productive, in the best sense of the term, in forcing Members to think. That is something which too often is in short supply on the floor of the Senate. I very much thank my friend.
August 5, 1999

This is a strange debate. I heard earlier my good friend from North Dakota, Senator DORGAN, say he is bewildered. I myself have referred to this debate as surreal. My friend from Louisiana, Senator BREAUX, asked: What are we talking about? Why are we here?

There are apt comments in many ways.

One, because we know this bill will be vetoed. We know this tax cut that has been proposed is not going to happen. Those who favor the tax cut and those who favor a veto are trying to score political points with the American people. There are a lot of games being played around here. I don’t think that is any news to the American people. They know what is going on. They are pretty smart.

It is similar to President Lincoln saying you can fool some of the people some of the time but you can’t fool all the people all the time.

The American people are smarter than the Congress thinks they are.

Let me go through some of the reasons. First, the assumptions behind this big tax cut are unrealistic and we all know they are unrealistic. I daresay that many on the other side of the aisle are privately with their public statements on this side of the aisle that the assumptions are unrealistic. There is no way in the world the Congress will jeopardize national defense by cutting national defense a couple hundred million dollars over the next decade. There is no way in the world the Congress is going to hurt veterans by dramatically cutting veterans’ benefits. There is no way in the world the Congress is going to cut education and do all that is assumed behind this tax cut.

Yet virtually the entire projected surplus we are spending in this bill is based upon exactly these things happening. That is one reason this is a surreal, unrealistic, illusionary, and strange debate. It is not based upon facts.

As others have pointed out, much more persuasively than I, the numbers of this tax cut as proposed do not add up. There is no way in the world we will be able to cut taxes $800 billion, pay the additional interest on the debt, and provide for a modicum of services that people need. Some have suggested—and nobody has disputed this number—that this tax cut will require about $1 trillion in additional interest in spending over the next 10 years. It is unrealistic. It is wrong. It is wrong to attempt to fool the American people that these levels of cuts are good for the country.

Beyond that, this bill is based upon such ephemeral, illusionary projections, it baffles me that anybody could stand on the floor and say it is necessarily going to happen—that we will have a $1 trillion budget surplus from tax revenues over the next 10 years. Past projections have been so far off the mark that it is foolish to assume this projection will be accurate.

On average, our projections are about 13 percent off the mark over 5 years. This is a 10-year projection. I point out that CBO, the agency on which we base our projections, stated in January of this year they were off $200 billion when they came up with their mid-course review in July of this year. The projections were $200 billion off over a period of time, yet we cannot know how far off a 10 year projection could be? If we are honest with ourselves, we know most people are concerned that the economy is now overheated, rather than underheated, and therefore the next year off and 10 years off, we will have much less of a budget surplus than we assume.

I point this out because it defies common sense that we lock in tax cuts far out in the future based on these very flimsy assumptions. Why are we doing that? Most people wouldn’t do that. Most people, putting their family budgets together, wouldn’t do that. Certainly no business would do that. No business would assume that its revenues 10 years hence would be absolutely a certain amount and therefore they are going to spend all this money today. You just cannot make that assumption. You have to be prudent.

I talked to the CEO of a major company just last week. I asked him how their company makes projections.

He said: We cannot. We try to make a 5-year projection, but we are always way off. The best we can do is we put together the all the data, we try to anticipate what the future is going to be like, but we are constantly modifying it because times are changing so quickly.

I think that probably makes sense. That is what we should be doing. We should not lock in tax cuts far out. Rather, if we think tax cuts make some sense, they should be modest, to leave room for corrections if we have made a mistake.

Time does change very much. So, again, I say this bill is reckless. It is based on an illusion. It is just not prudent. I say to the American people, I hope you understand how imprudent all this is.

I must also make another point, and this point saddens me. We are in this strange, surreal situation, in part because there is so much partisanship in this body as well as in the other body. When I first came to the Senate about 20 years ago, I must say there was much partisanship then than there is now. It is just too partisan now.

By that I mean the other side of the aisle is totally controlling and secretive in what they are doing. They have put together their tax bill on their own; behind closed doors. No Democratic Senators were allowed. The same with the conference report; behind closed doors, on their own, with no Democratic Senator allowed.

Not too many years ago when the Democrats were in the majority, both sides were included in drafting bills, both Republicans and Democrats. I think that is what the American people want. They want us to work together. They really do not care whether we are Republicans or Democrats; they really care that all 100 of us sit down, do the best we can, and recognize this is a democracy with different States, and different people who have different points of view. With rough justice and rough common sense.

I think there is a reason for the secrecy. There is a reason for the closed doors; that is, they can do things they know are not right, things that could not stand the light of day. If the doors were open and if both sides of the aisle were included, we would not have such phony budget projections. By “phony” I mean in the last couple of weeks, the other side directed CBO to come up with some new numbers based upon their own new assumptions to fit the conclusions they wanted.

What was the conclusion they wanted? The conclusion they wanted was to show we could cut taxes by $800 billion or $500 billion or $400 billion or $300 billion or $200 billion or $100 billion or $50 billion in spending revenue.

CBO said, “No, you cannot do that,” before. So the other side said, “Just change some assumptions around so you can reach that conclusion.” That is what they did. They did it privately. In fact, they distributed that chart on their side. They didn’t even distribute it on this side because they knew, if we looked at it, we could probably find out how erroneous it was, how fallacious it was.

I very much lament the secrecy and partisanship which is producing this product. I guess what bothers me most is, when I ran for the Senate and I think when most of us sought this office and were privileged enough to get elected, we came here because we wanted to address the major, big problems facing this country. We are not doing that. We are poised to move into the next century, the next millennium. Who are we as Americans? What do we want? What is our role there?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I ask for an additional 2 minutes.

Mr. MOYNIHAN. Of course.

Mr. BAUCUS. I thank my friend.

Who are we? How much do we want to spend on defense? What is our role in the Far East? Who are we as a country? What about countries like Bosnia and Yugoslavia? How much should we spend there? What is our role there? What is the proper role of Government? Not the false debate that is set up here—turn the money back or don’t turn the money back. That is a vacuous, vacant, insipid argument. It is so simple minded. That argument avoids asking the real questions. Questions like what is the proper level of government, what taxes should be collected from where, how and when should we stimulate the private sector? Let’s have a honest and open debate on policy, not a phony debate on politics.

This has been a phony debate on politics, this last week, on this tax bill. It
has not been an honest debate on public policy, on what is right, on what the right levels of spending should be. It is not based upon the same set of numbers, the same facts. Everybody comes up with his own charts, his own different positions.

You know the old saying: Liars figure and figures lie. We cannot even agree on the same baseline. We can't agree on the same facts. By definition, we are just talking past each other. I guess that is what bothers me most and that is why I think this whole debate is most unreal and why it is sad. It is, in a large sense, not only a waste of time because we are not addressing the points that should be addressed, but it is a disservice to the American people. I very much hope in the next month, in September and next year, the leadership on both sides of the aisle will work harder to put politics aside and the Senators themselves will work hard to put politics aside. I know that might sound like a political statement, but it is what I believe. In every ounce of my body, I believe it because that is why we are here and that is what we should be doing.

I very much hope after the President vetoed this bill, either there is no bill so we can start all over again, or we can come together in some appropriate way so we can get down to the real issues that face this country.

The PRESIDING OFFICER. The time of the question has expired.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, we now have a sense of why the Senator from Montana is an appreciated treasure in this body.

Now I yield 5 minutes to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President I thank the distinguished ranking member. I share the and feel the frustration expressed by the Senator from Montana, about how much we will miss the remarkable insightfulness and stewardship of the Senator from New York.

Let me also associate myself with his praise of the Senator from Montana. That was a very thoughtful and very honest statement about what has happened in the Senate. I haven't been here quite as long as the Senator from Montana. I have been here 15 years. But I have seen this body as polarized, as personalized, and as partisan as it is at this moment. I think it is very dangerous. It is dangerous for the country: divisive and difficult for the institution itself. I find it very hard, frankly, to understand.

I guess I can understand it in macro terms. I find it hard to understand in the context of why we all run for the Senate and what we are in politics to try to achieve. There is something more than just winning elections. There are some people around here who do not believe that, but I am convinced the American people believe that. Indeed, I think an adherence to that notion is what has made us different from other countries, and the best moments of the Senate have been when we have tried to adhere to that notion.

This is not a bill. This is not a tax bill. This is a political statement, a raw, political statement. The statement is essentially one that seeks to say: Democrats want to spend money. Republicans want to give you back your money. That is the political statement. It is not real when you look underneath it because the Republicans will join in September and October in spending the money because none of them are going to go back and tell the citizens of their State they are going to cut veterans hospitals; they are going to cut the Coast Guard; they are going to cut the FBI, and a host of other programs. None of them are going to do that. They are positioning themselves to say to their electorate: Gee, Clinton made me do it, but I wanted to give you back your money, even though the money wasn't there to give back.

It is one of the great posturings and one of the great frauds of recent time from the very people you brought you Gramm-Rudman that fell on its face, the very people who built the great deficits of the early 1980s when they adopted the Stockman philosophy of how to create crisis in Government and undo Government itself. The very people who predicted in 1993 that if we passed the 1993 Deficit Reduction Act there would be economic chaos, unemployment lines, massive economic failure.

The results are, here we are today with the best economy we have ever had in this country, with unemployment at record low rates, with the stock market at high rates, with the greatest sustained period of growth, and the very same people who brought you those three great failures are now trying to sell this snake oil to the American people.

Let's look at it as a political statement. That is what it is. It is a political statement. It is a political statement in which they are preparing to take the House tax bill that was worse than the Senate bill and bring most of it back so that their political statement is: 60 percent of American tax payers get 14 percent of the tax break that won't happen. On the other hand, their political belief is that the top 10 percent of income earners in America ought to get all of the benefits of their tax statement that won't happen. So they can run around and say: Gee, we tried to service those who service us the best in the process of campaign financing. But the reality is, it is just a political statement.

The conference report remarkably delays the Senate's marriage penalty tax relief for earned-income tax recipients. I cannot tell you how many times we heard people on the other side of the aisle saying: Oh, every marriage is being destroyed in America; we have a disincentive for marriage, particularly among the poor in this country.

We heard it all through the welfare debate. We heard it from the Republicans year after year. Many of us say we ought to get rid of the marriage penalty. We voted to get rid of the marriage penalty, but they come back and delay for working people the capability to get rid of the marriage penalty. In exchange for delaying getting rid of the marriage penalty, what do they think is more important?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. KERRY. Can I have a couple minutes?

Mr. MOYNIHAN. Of course, 2 minutes because we are running down on time.

Mr. KERRY. They eliminate the alternative minimum tax that guarantees that the wealthiest of Americans will pay some kind of tax. So they trade off: Don't give the marriage penalty to the working poor, but give the wealthiest of Americans an exemption from the alternative minimum tax that guarantees fairness.

That is not all they do. They wipe away the tax relief for child care. They dropped the Senate provision. They provide additional capital gains tax relief for investors, but they provide no tax relief to the people who pay most of their taxes through the payroll tax in America, which is the vast majority of Americans.

There are many other egregious transfers to the wealthy at the expense of the average American. So let's take this as the political statement it is. It is a political statement that makes clear the priorities of their party, and it makes clear that they are prepared to even risk the high-technology boom we have been through, because when you give a tax cut of this level without sufficient money to pay for it at a time when we werebilled, as Alan Greenspan and countless Nobel laureates and economists have said: You are going to reduce capital formation and increase interest rate costs and, in effect, may even reverse some of the plus side that has given us this option.

It is a political statement that I think ultimately will come back to haunt them because Americans know better. There is no American in this country who does not appreciate the vast commitment we have had to children, to education, to higher education, to technology creation, transfers, to a host of things which make this country what it is: a better country and, in fact, an extraordinary country measured against all the other nations in the world's economy. I do not think we should put it at risk, and I hope colleagues will join in rejecting this political statement and in rejecting this irresponsible direction they seem prepared to adopt.

I thank my friend for the time.

Mr. MOYNIHAN. Mr. President, I thank the Senator from Massachusetts for a forceful and needed statement. It was not easy to hear. It is true.
I am happy to yield 5 minutes to my friend from Virginia, known in the Finance Committee as “commandant.”

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank the Chair. Mr. President, I thank the distinguished ranking member of the Finance Committee, the Senator from New York, and mentor to us all. His presence, at the end of this Congress, will be missed in ways I do not think any of us fully appreciate.

First of all, I want to fully agree with the comments made by the Senator from Montana and the Senator from Massachusetts. I will try not to repeat those comments. My particular frustration in dealing with the bill before us today is that we are considering this huge tax cut, one which would normally be designed to stimulate the economy, and yet no economist I am aware of has suggested that such a stimulus is needed at this particular moment.

In fact, what is truly needed is not being done. This bill does nothing to address the two most pressing structural systemic problems, Social Security and Medicare. Instead of trying to bring responsible choices to the Social Security system and the Medicare system, we are taking a projected surplus we hope will occur, but may or may not occur, and spend it in a way that provides a stimulus to those who, if anything, need it least. It is at this particular time. Indeed, it is very hard to find someone who represents the group who will be most benefited by this bill who is actually asking at this time that we provide them with a huge tax cut or an economic stimulus. We just do not need it.

If we are going to enact a tax cut, it is my view that it should be in some targeted areas we know we are going to have to take care of anyhow. For example, we should have a permanent extension of the R&D tax credit, not cutting it back. Instead, we go through the same charade we go through each time. We have a permanence in research and development to the Social Security system and the Medicare system, we are taking a projected surplus we hope will occur, but may or may not occur, and spend it in a way that provides a stimulus to those who, if anything, need it least. It is at this particular time. Indeed, it is very hard to find someone who represents the group who will be most benefited by this bill who is actually asking at this time that we provide them with a huge tax cut or an economic stimulus. We just do not need it.

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flunks the test of fairness. When fully implemented, the Republican plan would give 80% of the tax cuts to the wealthiest 20% of the population. The richest 1%—those earning over $300,000 a year—would receive tax breaks as high as $46,000 a year, while working men and women would receive an average of only $138 a year—less than 40 cents a day.

Republicans claim that the ten year surplus is three trillion dollars and that they are setting aside two-thirds of it aside for Social Security, and only spending one-third on tax cuts. That explanation is grossly misleading. The two trillion dollars they say they are giving to Social Security already belongs to Social Security. It consists of payroll tax dollars expressly raised for the purpose of paying future Social Security benefits. Clearly, these dollars are insufficient to achieve our goal of protecting Social Security for future generations. Yet, Republicans are not providing the funds to strengthen Social Security. They are not extending the life of the Trust Fund for even one day. It is a mockery to characterize those payroll tax dollars as part of the surplus.

That leaves the $964 billion on-budget surplus as the only funds which are available to address all of the nation’s unmet needs over the next ten years. Republicans propose to use that entire amount to fund their tax cut scheme. Since CBO projections assume that all surplus dollars are devoted to debt reduction, the $964 billion figure includes over $140 billion in debt service savings. The amount which is available to be spent—either to address public needs or to cut taxes—is only slightly above $800 billion. As a result, the $792 billion Republican tax cut will consume the entire surplus. It will inevitably usher in a new era of deficits—just as the baby boom generation is reaching retirement age.

Most Americans understand the word “surplus” to mean dollars remaining after all financial obligations have been met. If that common sense definition is applied to the federal budget, the surplus would be far smaller than $964 billion.

We have existing obligations which should be our first responsibility. We have an obligation to preserve Medicare, without reducing medical care, or raising premiums for senior citizens, or raising the retirement age. The Republican tax cut would take the opportunity away. It would take away the $290 billion over the next five years. Under existing budget rules, which Republicans have refused to modify, the enactment of this tax bill will force a sequester of Medicare funds.

Senate Democrats have a realistic alternative. We propose to use one-third of the surplus—$290 billion over the next ten years—to strengthen Medicare and to assist senior citizens with the cost of prescription drugs. The Administration’s 15 year budget plan provides an additional $500 billion for Medicare between 2010 and 2014. Enactment of the Republican tax cut would amount to Medicare care impossible. If we squander the entire surplus on tax breaks, there will be no money left to keep our commitment to the nation’s elderly.

Unless we use a portion of the surplus to strengthen Medicare, senior citizens will be confronted with nearly a trillion dollars in health care cuts and skyrocketing premiums. We know who the people are who will carry this enormous burden. The typical Medicare beneficiary is sixty-six years old, with an annual income of $10,000. She has one or more chronic illnesses. She is a mother and a grandmother. Yet the Republican budget would force deep cuts in her Medicare benefits in order to pay for this exorbitant tax cut.

The Republican tax cut, if enacted, will also make it impossible for us to assist Medicare recipients with the high cost of prescription drugs. That is one of the choices each of us will make when we vote on this bill.

The cost of prescription drugs eats up a disproportionately large share of the typical elderly household’s income. Too many seniors today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses. Too many seniors take half the pills their doctor prescribed, or don’t even fill needed prescriptions—because they cannot afford the high cost of the drugs. Others end up hospitalized—at immense costs to Medicare—because they are not receiving the drugs they need. Pharmaceutical products are increasingly the source of medical miracles—but senior citizens are being denied access to the full benefit of these new drug therapies. Remediying these inequities should be our priority. Instead, with these enormous GOP tax breaks, we are ignoring the basic needs of the elderly.

The Republican claim that their tax bill provides a prescription drug benefit for the elderly—but it is a meaningless provision which few if any seniors will ever be able to use. The provision is contingent on a whole series of other legislative actions that may not occur. Thus, it may never take effect. Even if it takes effect, it provides an amount less than the line tax deduction for private insurance premiums which can only be used by millions of more affluent senior citizens who itemize deductions. The vast majority of elderly taxpayers will never be able to use this provision.

The projected surplus also assumes drastic cuts in a wide range of existing programs over the next decade—cuts in domestic programs such as education, medical research and environmental cleanup; and even cuts in national defense. We have an obligation to adequately fund these programs. If existing programs grow at the rate of inflation over the next decade—and no new programs are created and no existing programs are expanded—the surplus would be reduced by $584 billion. That is the amount it will cost to merely continue funding current discretionary programs at their inflation-adjusted level.

In other words, the Republican tax breaks for the wealthy would necessitate more than a twenty percent across the board cut in discretionary spending—in both domestic programs and national defense—by the end of the next decade. If defense is funded at the Administration’s proposed level—and it is highly unlikely that the Republican Congress will do less—spending would have to be cut 38% by 2009. No one can reasonably argue that cuts that deep should be made, or will be made.

We know what cuts of this magnitude would mean in human terms by the end of the decade. We know who will be hurt.

375,000 fewer children will receive a Head Start.

1,431,000 fewer veterans will receive VA medical care.

These are losses that the American people will not be willing to accept.

The Democratic alternative would restore $290 billion for such domestic priorities as education and research, substantially reducing the size of the proposed cuts. A significant reduction would still be required over the decade. One thing is clear—even with a bare bones budget, we cannot afford a tax cut of the magnitude the Republican Party is proposing.

Our Republican colleagues claim that these enormous tax cuts will have no impact on Social Security, because they are not using payroll tax revenues. On the contrary, the fact that the Republican budget commits every last dollar of the on-budget surplus to tax cuts does imperil Social Security.

Revenue estimates projected ten years into the future are notoriously
Mr. MOYNIHAN. May I say to my friend from Massachusetts that the Office of Management and Budget has computed exactly what those sequestrers would be, and they are horrendous. Mr. KENNEDY. I thank the Senator. Mr. PRESIDENT. I yield 5 minutes to Mr. ROTH. I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I thank the Chair, and I thank the chairman and his committee for the work they have done on this bill.

I rise to encourage my colleagues to vote yes when this vote is taken. I have had the privilege of sitting in that Chair, Mr. President, for a good part of this debate and have seen, with very clear eyes, two different philosophies on the floor of the Senate. One is a philosophy that says that Government spends money better than people can. That philosophy today is in Government. The other philosophy says we trust people; we don’t trust Government at all. That philosophy, which trusts people, says let’s grow families. Let’s trust them to spend it for their needs because they can do it better than we can imagine it here inside the beltway.

As I look at this plan that has been produced by our Finance Committee, and through this conference process, my conditions for voting for this have been met. It is both sides allocating the same amount to Social Security. I see both sides allocating the same amount to Medicare, save that we do not expand Medicare, but we dedicate a great deal of money to Medicare. I see both sides making the same commitment to debt reduction. In fact, this Republican proposal conditions the tax cuts upon the actual realization of the surpluses. So people that say we are spending the surplus or spending it, if actually being realized, we will not do that. We will not spend it in the sense of tax cuts if, in fact, these surpluses are not realized.

So the question really becomes, Who is going to spend the surplus? Our friends on the other side would do it to grow this Government. We, on this side, would spend it to grow families because we trust people more than we trust Government to spend it wisely. I tell you, two different things that are provided in this tax package. I like what I see. When I look at reducing estate taxes, I say yes because, as a philosophical matter, I do not believe that it is the Government’s business to tell you and me how we allocate our estates when we die. It is about redistribution of economics, which is what they are proposing, which is the law. I don’t think that is the Government’s role. I think we should trust people to distribute their money as they see fit. I look at the marriage penalty reduction. I don’t think there should be a bias in our Tax Code against people marrying. I think it is terribly unfair when you have two working spouses, one has a high income, and the other may have a lower income; one is a corporate executive, the other is a schoolteacher; but the schoolteacher, the one with the lower income, gets taxed at a higher rate. Who is fair about that? That is wrong. That is a bias against marriage that we should eradicate. If President Clinton wants to veto that, I will let him justify it.

I look at the reduction of capital gains taxes, and I wonder, frankly, why we are taxing this capital twice. We should not be taxing it. We should be reinvesting it.

That brings me to an important point. I am extremely frustrated every time I hear President Clinton or any other politician take credit for creating jobs. You and I, as politicians, as public servants, do not create jobs, unless we own the stock or unless we buy a bond, unless we invest in the free enterprise system that is going to work. When you hear President Clinton or any other politician claim they have created jobs, the predicate of that claim is that we are a centrally planned economy. And we are not. We are a free market republic.

I think if my party has any contribution to make to this country, it is to make sure we do not become a socialistic, democratic welfare state, because if we become that, we will suffer the kinds of economic consequences that, frankly, our friends in Europe and Asia are suffering, which is little or no growth, high inflation, high interest rates, enormous unemployment rolls. That is the kind of system I don’t want to be part of creating.

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

Mr. SMITH of Oregon. If I may have 1 final minute.

Mr. ROTH. I yield 1 more minute.

Mr. SMITH of Oregon. I think that is what is at stake. What kind of an America do we want? Whom do we trust? Are we the party of government or are we the party of the people?

It is a question of whom you trust. It is a question of how you spend the money. When it comes to the essential programs, our programs are the same. When it comes to spending, we spend it differently. One does it for government; the other does it for families.

I urge my colleagues to vote yes on this important piece of legislation.

Mr. ROTH. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair.

Mr. President, I have been on and off the floor all day. We have been at this for about 6 hours. I suspect most everything has been said, but we all, of course, haven’t said it.

I rise in support of what we are attempting—for the idea that we can do the things that are essential for the Federal Government to do—and at the same time return substantial amounts of money to the people who own money, the taxpayers.
I have been amazed at all the discussion that has gone on. We are talking about a fairly simple thing—tax relief. Yet I hear from the other side of the aisle how damaging that is to the economy. That is hard to imagine, isn’t it, that returning money to the people who have earned it in is going to damage the economy.

We have tax relief based on our best estimate, provided by those who do professional estimating, that we will have a $3 trillion surplus over the next 10 years. Will it happen? Who knows. No one can guarantee it. But that is the way you have to plan any enterprise, by the best estimates you can make. We find ourselves now, of course, paying the highest taxes as a percentage of gross national product of any time since World War II. Surprising, isn’t it, in this large of an economy. It certainly means one thing; that is, that the Government continues to grow.

I think it is interesting to see the polls. When they ask, what is your highest priority? Do you like Social Security? Do you like Medicare? Do you like tax reduction? Tax reduction generally is the third one. That is not the present. We are setting aside Social Security before we do tax reduction. We are sustaining enough money to take care of Medicare. So that is not the choice.

The better poll would be: What do you do after you have taken care of Social Security? What do you do when you have taken care of Medicare? Should you return the money? I think so.

I saw somebody use an example of the simplest way to look at it, suggesting that you have three dollar bills in your hands, each representing $1 trillion. You say: I am going to set aside two of these dollars to do something with Social Security because that is where the surplus comes from. I am going to spend part of the third one for Medicare and the other costs that will be there. And about two-thirds of the last one we are going to give back to the people who sent it in. Because it is an overpayment of taxes. It is a fairly simple thing.

We have, of course, in this case, as we do in many, a pretty strong difference of philosophy. We have on that side of the aisle people who prefer more government, more spending, more taxes. That is the philosophy. I understand that. I don’t happen to agree with it.

Our party, on the other hand, is one that says we ought to slim down the Federal Government; we ought to move more and more government towards the States and the counties, leave more and more money in the hands of the people. That is the philosophy, a difference of philosophy. That is so often the basis of our disagreement on many things. I understand that. It is perfectly all right if you want government, that is fine. If you want the Government to spend more money, that is fine. That is a philosophy, one

that has, through the years, been on that side of the aisle. It is not really a surprise.

People say, of course, how is it going to affect me? Well, it affects us in very real ways.

Estate taxes: I have a lot of people who farm and ranch in Wyoming who are very concerned about that. Capital gains taxes: More and more people are investing their money. The capital gains tax needs to be changed. Insurance for health insurance so that people pay their own premiums, to be deducted, that is a reasonable thing to do. The marriage penalty, we have talked about that—a very reasonable thing to do.

So we often get lost in the details when we say, as taxpayers, what does this do for us? I think it does a great deal for us. I think we should move forward. I am sorry we don’t have agreement with the gentleman at the other end of Pennsylvania Avenue, but that is the only way of doing what we think is right, and that is the thing we ought to do.

I urge that my associates do the right thing.

Mr. ROTH. Mr. President, I yield 10 minutes to the distinguished Senator from Arizona.

Mr. Mccain. Mr. President, the American people want us to save Social Security. They want us to fix Medicare. They want us to give them more control over their children’s education. They want us to cut back the size of the bloated Federal bureaucracy and pay down the debt. Those are the clearly stated priorities of the people we represent, those whose interests we are pledged to protect.

The Congress has tried to do something about the impending insolvent of the Social Security system, but we have been blocked by the President’s disingenuous statements about the kind of lockbox legislation he could support. The President rejected the recommendations of the bipartisan commission that was created to provide a basis for preventing the bankruptcy of Medicare, The President has put politics ahead of the needs of the people, but, unfortunately, so have we.

The American people want, need, and deserve tax relief. They want us to reform and simplify our overly burdensome 44,000-page Tax Code that undertaxes small businesses special interests and overtaxes American families.

Yet, here we are debating the merits, or not, of an $800 billion tax relief bill that we know for a fact the President will veto.

Mr. President, let’s be honest and acknowledge what’s going on here. This bill is going nowhere. When it comes back to the Congress after the President’s vetoes it, we should be prepared to set aside pure politics, and instead focus on producing results that benefit the American people.

Mr. President, there are some very good provisions in this bill that help American taxpayers keep more of their hard-earned money. But most of these very important tax provisions for average Americans are put off for the future, while many of the perks for big business and special interests take effect immediately. This bill delays meaningful tax relief for the average American family until 2005, or later, so that it complicates the tax system with a raft of new and renewed exemptions, exceptions, and carve-outs for special interests that go into effect immediately.

The President has pledged to protect 7th Avenue, to protect the $792 billion in tax relief in this bill is effective next year. Just 77 of the 180 provisions in this bill provide any tax relief at all in the year 2000. More than 80 percent of the tax cuts are delayed until 2005 or later. And after phasing in the most important provisions over a 10-year period, the whole tax cut package sunsets after 2009, when we would presumably revert to the burdensome and overly complex tax system with which we are struggling today.

I only believe we should repeal estate tax, once and for all, the disgraceful tax penalty that punishes couples who want to get married. This bill does provide relief from the onerous marriage penalty, but these important provisions do not even begin to take effect until 2001 and then they are phased in over a period of four or five years.

Income tax rate reductions don’t start to phase in until 2001, and then only the lowest bracket sees a half-percent cut, while other cuts are delayed until 2005. In fact, according to an informal estimate I was given, an American family making $65,000 per year would get just $47 in tax cuts based on the income tax rate reductions in this bill in 2002.

We should also slash the death tax that prevents a father or a mother from leaving the hard-earned fruits of their labor to their children. There is absolutely no relief from the onerous death tax in this 2002 tax cut. All reductions would be phased-in over a 9-year period until completely eliminated in 2009, but then this entire tax cut package would terminate and the death tax would be fully reinstated.

At the same time, poultry farmers get an immediate tax break, totaling $30 million over 10 years, to convert chicken manure into electricity. Small seaplane operators don’t have to collect tickets taxes, starting immediately. They get an immediate tax cut worth $1 million. Manufacturers of fishing tackle boxes get an immediate excise tax break, so that they can more competitively price their tackle boxes to compete with the tool box industry. And the people who make and sell arrows to hunt get an immediate cut in their taxes.

Why are we giving a big break to chicken farmers when American families get not a dime in tax relief? Why don’t people flying on seaplanes have to pay ticket taxes like people flying on other commuter planes? What compelling reason is there to give fishing tackle box manufacturers a tax break,
while family-owned businesses get no relief from the confiscatory death taxes for quite some time?

Many of the other provisions in this bill that provide tax relief for education, health care, and other issues imposed upon families are implemented gradually or simply delayed for several years. Likewise, some of the provisions that benefit small businesses and tax-exempt organizations do not take effect for a number of years. The provisions in this bill give even more tax breaks to the oil and gas industry, financial services companies, high tech industry, insurance companies, and defense industry take effect early. The priorities in this bill are seriously skewed in the wrong direction.

In addition, this bill does nothing to fundamentally reform our unfair and overly complex tax code. For years, and this bill is no exception, we have compromised the complexity of the tax code—put tax loopholes for special interests ahead of tax relief for working families. The result is a tax code that is a bewildering 44,000 page catalogue of federal, state, and local tax laws.

The special interest set-asides and carve-outs in this bill merely exacerbate the complexity of the tax code. This bill adds new loopholes, new schemes, new ideas to keep lawyers and accountants busy.

It is not right to pay back special interests out of the workforce by imposing a punitive tax. And in our modern economy, that benefits Americans and fuels the economy. The bill before the Senate includes provisions that are similar to some of the proposals I would include in such a plan, which would array lower- and middle-income Americans, family farmers, small businessmen and women, and families.

I believe we should expand the 15% tax bracket to allow 17 million Americans to pay at the lowest rate, and this bill reflects a similar focus. The bill also increases the income threshold for tax-deferred contributions to IRAs, although delayed, and very gradually increases the amount that employees can contribute each year to employer-sponsored retirement plans. We should make these increases effective immediately to encourage more Americans to save now for their retirement. And this bill takes several steps to provide meaningful tax relief for American families by at least starting to eliminate the onerous marriage penalty and provide relief from confiscatory estate taxes.

The bill before the Senate does not do is provide much-needed incentives for saving. Restoring to every American the tax exemption for the first $200 in interest and dividend income would go a long way toward reversing the abysmal savings rate in this country.

Most important, the bill does not eliminate immediately the Social Security earnings test. This tax unfairly penalizes senior citizens who choose to, or in many cases, have to work by taking away $1 of their Social Security benefits for every $3 they earn. There is no justifiable reason to force seniors with decades of knowledge and expertise out of the workforce by imposing such a punitive tax. And in our modern society, when many seniors have to work to keep this Depression-era relic in law.

This is the kind of package that I believe could form the basis of a tax cut bill that properly balances national priorities and provides fair tax relief to average Americans and their families without further complicating our tax code. It would be a better step in the right direction toward economically equitable legislation that provides tax relief and provides incentives to undertake real reform of our tax system.

Mr. President, I will vote for the Taxpayer Refund and Relief Act because I believe it reflects a commitment to provide a tax cut that includes your salary, your investments, your property, your expenses, your marriage, and your death. We must send a message to the American people and to the President that we must repeal the onerous marriage penalty and estate taxes that burden America's families.

This bill is not acceptable to me. Special interests get the biggest breaks, and they get them right away. All the American families get are the commitment of the President. His proposal is not with the size of the tax cuts, but who benefits.

However, its passage and subsequent veto represent our only hope for meaningful tax relief for the families who need it most. If this bill were to die today, so would the possibility of achieving meaningful tax relief this year. By passing this bill and forcing the President to address tax issues, I believe we hold open the possibility of entering into negotiations between the Administration and the Congress to provide meaningful tax relief for the benefit of all Americans.

The sad reality is that this bill will not give a single American family even one extra dollar in their pockets, because it will be vetoed as soon as it arrives at the White House. But after this bill is vetoed by the President, our responsibility to the people we represent must be to work to address their priorities. We must save Social Security, fix the Medicare system, and return to the people more control over their lives and the lives of their children and families.

At the same time, we can start to work on crafting a meaningful tax relief bill that truly benefits the American people—a tax bill that even President Clinton could not refuse to sign into law. That is what the American people want and need.

Mr. MOYNIHAN. Mr. President, I am happy to yield 5 minutes to my learned friend from Michigan.

Mr. LEVIN. Mr. President, I thank the Chair, and my good friend from New York.

This bill before us is unfair and it is unwise. It is unwise because the projections surplus that the bill uses for the tax cut is based on our abiding by spending limits that have already been breached and which would require huge cuts that we cannot make and should not make in veterans' programs, education programs, criminal law enforcement, and other important programs for the people of this Nation.
If the surplus to this extent materializes, in fact we should then reduce the national debt that has been built up, particularly over the last 20 years. That would be the greatest gift of all that we could make for the American people. It is the height of that debt, because that would be a reduction in the interest rates which people pay on their mortgages and cars and credit cards, and that would truly be a contribution to the well-being of our constituents.

The American people also sense that the tax program before us is unfair and not just unwise; they know—that has not apparently been contested—that 40 percent goes to the upper 1 percent of our people. The highest income 1 percent got over 40 percent of the tax benefits in this bill. More than 80 percent of the tax benefits in this bill go to the upper 20 percent of our people.

It is, in fact, true that we are dealing with the people's money. It has frequently been said here that what we are talking about is whether or not to give back to at least some of the people their own money. It is true. This money—this surplus—belongs to the American people. But the economy belongs to the American people as well. The Social Security system belongs to the American people as well. The Medicare system belongs to the American people as well. The Head Start program belongs to the American people. Veteran hospitals belong to the American people.

It is important that we consider what to do with a projected surplus—that we deal with this surplus as what it is, the people’s money, but look at all of what we do here as hopefully carrying out the people’s business.

This bill takes us down the wrong road—the road back toward the deficit ditch that we are finally beginning to climb out of. It has taken us fewer years than expected. But, nonetheless, it has taken us about 6 years to get out of the ditch which we got ourselves into, particularly during the decade of the 1980s.

Now that we are finally out of that ditch, we should stay out of that ditch. We should use any real surplus—not projected surplus but any real surplus—to protect Social Security and Medicare, and have a prescription program, and to do what is vitally necessary for our people, particularly through their education, but then to pay down that national debt and to give back to the people what they truly want, which is a sound economy on a long-term basis and low interest rates on a long-term basis. That is what would be guaranteed if, in fact, we apply any real surplus beyond Social Security and Medicare prescription needs, beyond the investment in education, if we take that surplus, if it is real, and pay down the national debt.

Instead, this bill takes us down a different road, a road which will deliver a huge tax cut mainly for those among us who need it the least and who are, for the most part, not even asking us for it. This bill represents an imprudent and unfair step, and we should not take it.

I yield the floor.

Mr. ROTH. Mr. President, I yield 10 minutes to the Senator from New Mexico.

The PRESIDENT OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank my friend, the chairman.

Mr. President, fellow Senators, I want to talk for 10 minutes about why this is a good deal for the American people and why it is high time we set in motion a tax cut which will give them back the money they are paying into the Government that we don’t need.

First of all, everybody talks about the fact that tax reduction comes in 1 year and it’s all over. They say that the money belongs to the underprivileged; that the 40 percent of the tax cut is because we are saving Social Security for Social Security. Then we come along and say, let’s have a tax cut, and let’s phase it in each and every year.

People can come to the floor and be critical of how slow it is and how long it takes to get the marriage tax penalty totally eliminated. But the truth of the matter is when you pass this tax bill tonight, and if the President were to sign it, you have put into law a change in the Tax Code which will get rid of the marriage tax penalty and make the plan that we have proposed in this law. Still, after you have done that, even though some of our best money crunchers in America have it wrong, there is $505 billion—not zero, as some people have said, $505 billion—off a freeze which you can spend where you want over the next decade, be it for defense, be it for discretionary programs such as education, or you can use $90 billion to $100 billion of it, or as much as you want, to make sure you fix Medicare, if that is your goal.

So far, I think too many people out there with wrong numbers and attacks on the proposal, who have the wrong facts, that I merely want to answer that part. We take care of Social Security regardless of what the President of the United States says. There is money in this budget for Medicare reform, if you choose to do it. There is money in this budget plan to pay for defense and to pay for education and other items, and to take care of the needs of this country.

What we set out to do was to say we shouldn’t keep more than we need, and we shouldn’t set billions of dollars in places up in the National Government assuming that one way or another it will be there when it is time to give a tax cut.

I submit that if you believe that you really do believe in the tooth fairy because, as a matter of fact, if you set that much money around up here and it is not used, it will be spent.

We ask the question: Do you want to use this surplus to grow the pocketbooks of Americans, or do you want to make sure you’ve given it back to their own pocket, or would you like to spend it? That is the issue before us today. It is a blessing that we have this surplus.

First, we should set aside enough for Social Security. We have done that. That then provides for our taxpayers to get some relief. It preserves and expands the child care credit. It protects various education credits, foster care tax credit, the alternative minimum tax—a fancy name. But what the Tax Code that is written today, we give average Americans, middle-income Americans, credits and the like in the Tax Code. Then we take it away under the alternative minimum tax—like we give you a benefit and we take it away. We call it an alternative minimum tax, as if you are so rich you shouldn’t get these credits.

Do you know that if we do not pass this tax bill, 7 out of 10 American taxpayers will lose some of the social benefits that are attached to the AMT by the year 2008, just about the time that we wiped out the AMT?

Please, Mr. President, sign this bill. The bill provides tax relief for health care, long-term care, and has small business incentives. It is a bill that is good for farmers, for working men and women, and families. Overall, it is a very good bill.

I also say, Mr. President, please sign this bill. The final tax plan is an excellent plan that moves us toward slower, flatter, and simpler tax and moves toward taxing income that is consumed, not income that is saved, earned, and invested.

On the business side, it moves closer to allowing business to deduct the cost of investments in the year they are made, thereby making them more competitive.

This bill overall moves toward tax equity so everyone will get a break for health care regardless of where they work—a big company, a small company, or a ma-and-pa one-stop shop. People who need health coverage say: Mr. President, please sign this bill.
The bill focuses on generational equity. There are child care credits and long-term credits for the elderly. The President asks, be sure to take care of our senior citizens. We have taken care of them. Senior citizens, we are taking care of your children and your grandchildren. This is how you are interested in being helped because they pay more taxes than they should. On behalf of the seniors in the country, and their daughters, sons, and grandchildren, Mr. President, sign this bill.

There takes the best part of the House and Senate bill and attempts to make it law. Broad-based tax reduction is fair. It cuts the tax rate in the lowest bracket first. Lowering of the 15 percent bracket happens before any other brackets are lowered. This sequencing recognizes that 98 million Americans are the people most urgently in need of a tax cut. Lowering the 15 percent to 14 percent is a 7 percent cut. Widening the lower bracket does two important things: It reduces millions of Americans to the lowest brackets, fighting back “bracket creep.” In my own State of New Mexico, 151,000 New Mexicans will be returned to the lowest bracket; another 83,000 New Mexico families will get the best part of the bill.

Talking about the marriage penalty for a minute, which everybody has spoken to—I won’t be as eloquent as some—it is absolutely preposterous that the United States of America would punish by way of taxation a man and a woman married and working, as opposed to a man and woman who are single. The marriage penalty is the wrong thing for America today. It was the wrong thing when we passed it. We ought to get rid of it.

In behalf of millions of married couples who are begging Congress to be fair with them and get rid of this penalty on their marriage, please sign this tax bill.

Because of the progressive rate structure in our tax code, Americans in the 28, 31, 36, and 39.6 tax brackets will all see their taxes cut.

The marriage penalty relief in this bill is overdue and well done. There is roughly $117 billion in marriage penalty relief. Fully fifty percent of the bills resources go to a broad-based and marriage-penalty tax relief.

The bill also phases in a doubling of the standard deduction to finally eliminate the marriage penalty. In addition to lowering federal income taxes by eliminating the marriage penalty for 567,170 New Mexico families, it will also save New Mexicans $72.4 million in New Mexico income taxes as well! Getting married would no longer be a tax penalty for marriage-penalty tax relief. Fully fifty percent of the 340,000 uninsured New Mexicans who belong to families where some in the family works.

On behalf of all these people with no health insurance, being treated regardless of whether they work for a big corporation with a fancy health insurance benefit plan, or whether they work for a small business that does not provided health insurance, this provision could help 43 million Americans. We even had a recession who have access to health insurance but decline to participate because of the cost and it should help the 1.4 million children of self-employed who lack health insurance.

In New Mexico this provision could have a big impact and make a big difference. We have 340,000 uninsured New Mexicans who belong to families where some in the family works.

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Mr. MOYNIHAN. On behalf of the distinguished Republican chairman and manager of the bill, I yield 10 minutes to the Senator from Florida.

MR. MURkowski. I thank my distinguished colleague for yielding me that time.

Mr. President, the vote on our tax relief bill is nothing less than a vote of confidence, reaffirmation of our belief in the wisdom of the American people and of our faith in the capitalist system. It all boils down to one basic, fundamental question: who has first claim on the income of Americans—does it belong to the government or to the individual families who create the income through the sweat of their brows and the genius of their brains?

The President and the vast majority of our friends on the other side of the aisle act like the money belongs to the
government. They reject our tax relief bill as “too big,” as if taxpayers earn income at the sufferance of the government. Under this view, Uncle Sam does not live under a budget he sets the budget for every American family, which must not be content with the table scraps government spending in Washington has been satiated.

Two and one-quarter centuries ago, the rejection of this arrogant, government-centred theory of taxation was the impetus for the founding of our Nation. Our political forefathers would not stand for the notion that Americans were mere pawns of a distant court, which could raid their purses and pocketbooks at any whim. America was founded not on concepts that divide peoples, such as race, or geography, but on the American Idea that brings us all together: the inalienable right to liberty.

From our Nation’s very conception, this idea has served as a beacon for people of all creeds and colors seeking refuge from the heavy hand of meddling government. In America, the government serves the people, and must necessarily trust the people to do what is right by and for themselves. The government should not try to do it all. We provide a safety net for the least fortunate, those who cannot help themselves, but everyone else is trusted with the responsibility of providing for their security.

And by all accounts, this combination of liberty for our citizens and restraint on the part of the public sector has, in fact, succeeded. By the end of the 19th Century, America was in the forefront of the Industrial Revolution. By the mid-20th Century, despite the MIRE of a worldwide depression, the United States was able to mobilize its industries and its men to rout one own of the twin evils of tyranny in the Second World War. And, by the close of the 20th Century, we succeeded in defeating the other Soviet Communism, by the force of our will, the commitment of a strong Commander-in-Chief, Ronald Reagan, and the power of our competing idea of liberty. Our Nation is President Reagan’s shining city on a hill, the economic envy of the world and the destination of all who yearn for freedom.

But this President and his supporters in Congress don’t get it. The tax burden on our citizens is at an all time, peacetime high—20.6 percent of the economy. Meanwhile, the federal government will be overcharging the taxpayers by more than $3 trillion over the next 10 years. A Nation that trusted its people, that protected their liberty, would not flinch from the right thing to do: cut taxes so that our families can enjoy the fruits of their labors, instead of greedy Washington programs. This tax bill does just that, leaving $792 billion in the hands of the people to whom it belongs.

This tax cut is a measured, balanced response to the surpluses that will be flowing into the capital. It leaves 75% of the surpluses to be used to retire debt, and finance important priorities like Medicare and national defense. Every penny in the Social Security trust fund is left in a lockbox to be used to shore up the retirement security of our citizens. The tax cuts are phased in over time, so the bulk of the cuts are in the last 3 years of the coming decade, when surpluses would otherwise skyrocket and tempt a government spending spree. But voices are raised in opposition to the tax cut. It is said that the government cannot afford a tax cut of this size. But that is exactly backwards: our taxpayers cannot afford to continue to shoulder a record-high tax burden. Back in 1993, without the vote of a single Republican member of Congress, President Clinton pushed through a tax increase totaling $241 billion over 5 years. The rationale for this tax increase was the need to reduce the budget deficit. But that is exactly backwards: the on-budget, non-Social Security surpluses will exceed $1 trillion over the next decade. We propose to let the American people keep $792 billion of these overpayments. Is that too much?

Not when you consider that the 5-year tax cut of $156 billion pales in comparison to the Clinton tax hike, imposed on what was then a much smaller deficit. According to my Joint Economic Committee staff, the 1993 Clinton tax increases will take some $900 billion from the American people over the next decade. Our tax cut of $792 billion does not even offset the lingering ill effects of that tax hike. Are we being too generous? Or have the taxpayers been too generous for too long?

It is hard to find fault with the specifics of our tax cut package. Is it right that they want to conserve their earned profits because the specter of the federal death tax is hovering, waiting to swoop down and scoop up 55 percent of the increased value of the business. By eliminating the death tax, we unlock the capital gains tax, and expanding IRAs, some of the largest barriers to capital formation are pulled down, and the result should be a rising tide of investment that carries our economy through the coming Century of opportunity.

I want to commend Chairman ROTH, and all of the conferees, for producing a balanced, thorough, and fair tax cut that benefits all taxpayers. High taxes are an infringement on the liberty of our families, who should not be struggling to make ends meet while their Federal servants hoard the wealth our families have created. When the question comes down to whether we trust the Federal Government or the family, the family almost always wins. And I urge everyone every time I urge my colleagues to do the same, to side with the people, not the bureaucracy, and vote for the conference report.

I yield the floor.

Mr. STEVENS. Mr. President, I am pleased that the Conference Report of the Taxpayer Refund Act of 1999 contains tax amendments I authored to extend the same tax benefits that farmers have to fishermen. The original version of the Refund Act of 1999 included provisions to create farm and ranch risk management (FARRM) accounts to help farmers and ranchers through down times and to coordinate income averaging with the alternative minimum tax. The FARRM accounts would be used to let farmers and ranchers set aside up to 20 percent of their income on a tax deferred basis. The money could be held for up to five years, then it would have to be withdrawn and taxed at that time. Interest earned would be taxed in the year that it is earned.

Encouraging farmers and ranchers to set some money aside for downturns in
American taxpayers cannot march up the front steps of the Treasury demanding a refund of their overpayments to Uncle Sam. We in Congress must do that for them. Some would not see this measure pass because they feel it does not provide enough relief. However, this bill contains provisions to ensure that the goal of debt reduction is met. The debt triggers included in this package would halt any future refund measures under this bill until our debt reduction goals are achieved. This is a good balance because it allows us to send money back to the American people while reducing our debt load. Under this bill, one cannot happen without the other.

I urge my colleagues to support this measure and I thank the leadership of chairman ROTH and the members of the Finance Committee in organizing and authorizing this sweeping tax refund bill.

Mr. MURKOWSKI. Mr. President, I rise to express disappointment in the way this tax legislation takes a piecemeal approach toward electricity issues. It deals with only one of the major provisions that need revision if this industry is going to meet the requirements of all citizens and ratepayers in an era of emerging competition.

The electricity industry is in transition. Wholesale competition between utilities and suppliers is becoming a vibrant and competitive market. Although there is still work to be done to make this market work more effectively, consumers have benefited from lower prices and increased supply although the benefits have been invisible to many retail consumers. And nearly half of the states have moved to develop their retail electricity markets to give more consumers the chance to shop for their power provider.

But the federal tax provisions that affect this industry were written for a monopoly era. This has the real effect of keeping rates from participating in competitive markets due to the penalties they would incur solely because of outdated tax provisions. If these utilities are somehow forced to respond to competition without the necessary changes, a ratepayers' bill would rise only because of laws written for a time before competition was imagined.

This bill addresses only one of these tax problems, the taxation of nuclear plant decommissions. This benefits the investor-owned utilities interested in buying or selling nuclear plants. Two other areas need to be addressed to prevent other consumers from being penalized: the private use restrictions on municipal and public power systems, and the restrictions on electric cooperatives when costs or revenues are incurred during the transition to more extensive competition.

In my state a healthy mix of suppliers of electricity: investor-owned utilities, cooperatives, municipalities and public utility districts. These three major sectors of the industry should have their tax problems addressed at the same time.

I hope Chairman ROTH and Chairman MURKOWSKI will keep their commitment to hold a hearing in the tax-writing committee in September, with an eye toward resolving these tax issues as expeditiously as possible.

Mr. DASCHLE. Mr. President, as we approach final passage of the reconciliation conference report, I would like to provide you with a Republican perspective. Although some have characterized this process as politics as usual or political posturing, I do not see it that way. What the House has done and the Senate has done, is serious business, not a political game.

We are about to vote on legislation that affects this nation's economic and fiscal health and well-being. It will affect the live of millions of Americans for decades to come. The stakes could not be higher.

And when you boil away all the rhetoric heard during this debate, what you really have is a tale of two paradigms. The Republican plan is an old and familiar one. Republicans would take us back to 1981 and back to the economic policies of that era. These policies can best be characterized as wishful thinking that led to a fiscal disaster.

The Democratic position is that we should follow the model Democrats put in place in 1993 and every year since. This bill, one cannot happen without the other.

As I have listened to many of my colleagues on the other side of the aisle, I am struck by how familiar many of their arguments sound. I am hearing some of the same dangerous rhetoric and false rosy scenarios that I heard last decade.

The question facing this Congress at this time is, which path—the fiscally responsible path or the fiscally dangerous one? Will we opt to build on our success or put our nation's fiscal health at risk yet again?

As I have listened to many of my colleagues on the other side of the aisle, I am struck by how familiar many of their arguments sound. I am hearing some of the same dangerous rhetoric and false rosy scenarios that I heard last decade.

And as I look at their bill, I see many of the same special interests disproportionately benefitting from their actions. Make no mistake about it. When it comes to irresponsible tax cuts tilted to the wealthy, the Senate bill was bad, and the conference bill is much worse. Let me cite a few examples.

The tax bill before us, the bottom 60 percent of taxpayers would receive an average tax cut of just $138. That's about 25 cents a day, not even enough for a cup of coffee. At the same time, Republicans feel it is appropriate to provide the top 1 percent of taxpayers, people with incomes over $300,000, an average tax cut of over...
$46,000. A cup of coffee for most, $46,000 for a few.

To further highlight the skewed nature of this cut, people earning over $300,000 would receive more than 40 percent of the $792 billion in tax relief provided through this bill. Meanwhile, people making between $38,000 and $62,000, the heart of this country’s middle class, would receive 10 percent of the tax cuts in this bill. Once again, much for a few, and little for many. It’s hard to see how anyone could characterize this as fair.

While providing these huge tax cuts for a few, the Republicans opt to set aside nothing for prescription drugs for Medicare beneficiaries. In order to generate the surpluses necessary to pay for their monstrous tax breaks, Republicans require drastic cuts in education, veterans’ health, defense and agriculture. If our military were funded at the level requested by the President, the Republican budget would require across-the-board discretionary cuts of 38 percent below their level today. If defense were fully funded and Republicans followed the plan laid out by Chairman DOMENICI, these cuts would grow to 50 percent.

A hallmark of Republican recklessness is that they would force $90 billion in cuts to Medicare, student loans, veterans’ benefits and many other programs on top of cuts I just described. The budget rules are clear on this. If tax cuts are not budget-neutral, the law requires across-the-board cuts in many mandatory programs. The Republican plan would require $32 billion in Medicare cuts over the next 5 years. And starting in 2002, the Republican plan would eliminate the Commodity Credit Corporation, crop insurance, child support enforcement, and veterans’ education benefits.

As I said earlier, we have this historic opportunity, and this is how the majority responds. They fail on at least three counts. First, Republicans would set out on an irresponsible fiscal policy. As history has painfully proven, their tax cuts would inevitably lead to bigger deficits and more debt. Second, they are pursuing an irresponsible national policy. Their tax cuts would explode just as baby boomers retire, eating up scarce resources that will be needed if the government is to keep its commitments on Medicare and Social Security.

Third, Republicans have known from the outset, engaging in this reckless and risky course will only produce one outcome—a Presidential veto. The President has been clear: he will veto this bill. And I am confident that the vote will pass just as it did, not by a small margin, but by an overwhelming number. I’m not so sure that the veto will be sustained.

Instead of wasting Congress’s and the American people’s time with this vain, glorious pursuit, we should be working together on a fiscally responsible plan that protects the entire Social Security surplus, strengthens and modernizes Medicare by extending its solvency and providing a prescription drug benefit, pays down the debt, provides targeted tax relief for working Americans, and invests some of the non-Social Security surplus in critical priorities such as defense, education, veterans’ health, and agriculture.

Clearly, there are provisions I had preferred that the credit, as included in the bill, be limited rather than the deduction, but this is a good start. Importantly, some of the income tax rate reductions contained in the bill are made contingent upon progress toward which our budget surplus should be directed. Failure to achieve this progress, up to $200 billion of tax cuts would not take place.

While I will vote for this measure to keep the process moving toward an expected presidential veto and final budget negotiations with the White House, I would much prefer a smaller bill, such as the $500 billion bipartisan compromise plan which I—along with Senators BREAUX, JEFFORDS and KERREY—promised during Finance Committee and floor deliberations earlier this year.

Because of the uncertainty of projecting budget surpluses over a ten-year period, and given all of the other priorities we face, I am simply not comfortable with an $800 billion tax cut. In my judgment, cutting taxes is only one of several important priorities toward which our budget surplus should be directed. Others include reducing the national debt; modernizing Medicare and adding a prescription drug benefit; strengthening Social Security for the long-term; and, ensuring adequate funding on an annual basis for important discretionary programs.

Clearly, there are provisions I had trouble with. The bill includes provisions which I—along with Senators BREAUX, JEFFORDS and KERREY—pressed during Finance Committee and floor deliberations earlier this year. The bill proposes to extend the Work Opportunity Tax Credit, a program I have long championed which encourages employers to hire and train disadvantaged and unskilled workers.

The marriage penalty relief provisions in the bill are aimed at moderate income families and those eligible for the Earned Income Tax Credit.

The bill also includes provisions which will improve the deductibility of student loan interest, and which will help families save for college.

The bill includes an expansion in the conservation easement that would encourage more Americans to donate land for the preservation of open spaces.

The bill also contains a deduction to encourage the restoration of historic residential properties. I would have preferred that the credit, as included in the bill, be limited rather than the deduction, but this is a good start.

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Reducing the capital gains tax rate from 20 to 18 percent for individuals, as this bill proposes, seems unnecessary because this rate reduction was scheduled to happen in the near future.

In sum, Mr. President, I am hopeful that in the coming weeks and the Administration will begin in earnest after the President vetoes this bill in September. In my judgment, in addition to providing needed tax relief, those negotiations should also produce other critical benefits, including provisions to reestablish mandatory tax cuts, strengthen Medicare, and to fund discretionary programs.

Mr. DODD. Mr. President, I rise this afternoon to regrettably oppose the conference report to the Year 2000 Budget Reconciliation legislation.

With this conference report, the majority has succeeded in making a bad bill worse. Rather than using this conference to come together and attempt to develop a package that takes advantage of the objectionable features of the Senate-passed bill, the House leadership decided, rather than moderated.

First, the conference report further skews the benefits of its tax cuts toward those families least in need. We now have before us a conference report that includes a 1 percent across-the-board tax cut for all income tax brackets. We are led to believe that this provision is the centerpiece of a package that contains an additional tax cut. However, upon closer inspection, this clearly is not the case. Under this proposal, the bottom 60 percent of taxpayers receive only 7.5 percent of the total tax cut benefits, while the top 10 percent of income earners receive nearly 70 percent of the bill’s tax cut benefits. Mr. President, I would not consider this broad-based tax relief.

Perhaps the clearest example of how this conference report repeals its tax cut largesse on those who least need it is that it spends nearly 60 billion dollars for the complete repeal of the estate tax. Again, the inclusion of full repeal of the estate tax within this conference report is a clear indication that its proponents do not wish to direct their tax cuts toward working families who need and deserve a break. I believe in estate tax relief for farmers and small businesses of modest means where it is necessary and appropriate. However, the estate tax relief contained in this proposal is overwhelmingly not of modest means. They are the very, very affluent leaving estates worth millions of dollars.

Mr. President, I fail to see how this specific tax cut helps the average family struggling to find affordable child care. In order to accommodate the costs of a $792 tax cut, extensive cuts of nearly $511 billion will be necessary in domestic spending. If defense is funded at the President’s request, cuts to domestic spending would reach almost 38 percent. As a result, over 430,000 children would lose Head Start services; 1.4 million veterans would be denied much-needed medical services from VA hospitals; 7.5 million low-income people would lose H.U.D. rental subsidies, forcing many into homelessness.

Perhaps the clearest example of the conference report’s failure in this regard is what the conferees have done to child care. Senator JEFFORDS and I offered an amendment to provide an additional $10 billion over the next 10 years to the existing Child Care and Development Block Grant, but doubling the children that would be served. It passed the Senate by voice vote. So it was surprising, not to mention disappointing, that this provision was summarily eliminated in conference. I intend to continue to work to see that Congress honors the commitment it made in the Budget Resolution to significantly expand funding for quality child care this year and in the years to come.

Third, the conference report, like the Senate-passed bill, continues to pose an increased risk to our current economic prosperity. Federal Reserve Chairman Alan Greenspan testified before the Senate Banking Committees just days ago, urging caution about implementing a $792 billion tax cut at a time when the economy is performing so well. Chairman Greenspan stated that it would be better to hold off on an immediate tax cut because it is apparent that the current surpluses are doing a great deal of good to the economy. Moreover, he warned that Congress must also be prepared to cut spending significantly should the surplus, if paid to those who win, not materialize. It is ironic to me that so many of our colleagues, who otherwise have had high and vocal praise for Chairman Greenspan’s economic leadership, can so readily ignore his clear and compelling warnings about the consequences of their unrealistic and irresponsible tax plan.

I have also noted with particular interest the comments of the esteemed Majority Leader in this week’s newspapers where he has stated that an acceptable alternative to the Republican tax plan would be to “put the money in place so that the debt can be retired.” This sentiment has also been echoed by the House Majority Leader. These are stunning admissions of the flawed nature of the conference agreement before the Senate today.

Their “all-or-nothing” statements reasonably raise the question of how the majority is to this tax cut plan. Perhaps they are more committed to having a political issue than to giving working families a reasonable tax cut while also meeting our responsibilities to preserve and strengthen Medicare, Social Security, defense, and education. I fear that the Senate has been engaged in a fruitless political exercise.

Mr. President, I worry that the majority has again squandered a unique opportunity to first maintain our current economic prosperity and then to address the legitimate needs of working families in this country. This legislation neglects to make much-needed investments in our children, Social Security and Medicare, debt reduction, and critical defense and domestic priorities. The President has promised repeatedly to veto this legislation. We should have no doubt about his resolve to do so. That hope that congressional leaders will get serious about working in a bipartisan fashion to craft a reconciliation bill that is sensible and responsible. We have worked too hard in this decade to rectify the wretched budgetary excess of the last decade. Now is the time for prudence and caution.

Mr. REED. Mr. President, here we are again, debating a conference report on a ten-year, $300 billion tax cut.

This tax cut works on the assumption of a budget surplus that has not been realized yet—a surplus that is generated in no small part by already unattainable budget caps which will lead to a significant, 23% to 36% reduction in essential programs, including Pell Grants, special education, community policing, and drug enforcement.

In my home state of Rhode Island, my constituents stand to lose $15.9 million in Title I education funding and $11 million in Special Education funding. In addition, 17,000 Rhode Island students would be denied Pell Grants, and more than 2,000 children would be cut from Head Start programs. At a time when one in five children lives in poverty, can we really bear cuts of this magnitude?

At a time when we are asking the government to respond quicker and perform better, particularly with respect to domestic and international crises, we are considering legislation whose consequences are that the American people count on in exchange for speculative tax cuts whose benefit will be fleeting.

This legislation is also a threat to the future of Medicare. Indeed, at the point that Medicare teeters at the brink of insolvency in the next ten to twenty years, the cost of this tax cut could balloon to $2 trillion. We know that we must take steps as soon as possible to shore up Medicare. If the use of the surplus would be to make a reasonable allowance for essential programs, address the long-term solvency of Social Security and Medicare, and pay down the federal debt. Then, we should consider a targeted reductions for America's working families.

Of course, everyone realizes that we cannot continue to live under the spending caps. In May, a group of eight House Republicans wrote the President, stating, “A rational compromise is needed to keep the caps and maintain them for future years at achievable levels.” If the most ardent architects of the caps are now having second
thoughts, there is little reason to expect they can be observed in the future.

But, we are already breaking the caps with "emergency" appropriations—that do not count against the caps.

What is an "emergency" appropriation exactly? Apparently, it is anything the Majority wants it to be. Just the other day, the House passed legislation designating part of the funding for the 2000 Census an "emergency". As conservative columnist George Will noted, we have known about next year's Census since 1790. How could it be an "emergency"? Mr. President, since the end of fiscal year 1998, Congress has approved approximately $35 billion in "emergency" spending. One wonders how many other "emergencies" like the decennial census are looming.

Beyond the massive cuts to essential domestic initiatives, this tax bill depends on the performance of the economy. Mr. President, after the longest peacetime economic expansion in history, can we continue to count on a robust economy for another year, for another five years, for another ten years? The bill before us depends on this sort of economic growth.

Ironically, this tax cut could be just the thing that stalls our economic growth. Recently, fifty economists, including 6 Nobel Laureates, wrote that this tax bill will stimulate the economy only in the short run and is the wrong thing to do.

Even Federal Reserve Chairman Alan Greenspan, usually a strong supporter of tax cuts, has taken a cautionary view toward these tax reductions. The New York Times reported of his testimony on the Hill last week:

The subject [of tax cuts] came up several times, and Mr. Greenspan's message was stern: Don't do it. "I am saying hold off for a while," he said. "I am saying that because the timing is not right."

Mr. Greenspan urged Congress to pay down the debt and delay any tax cut until the economy turns. "The business cycle is not dead," he warned, telling lawmakers that whenever an economic slowdown hits, "a significant tax cut" may be needed to ward off recession.

In all respects, this legislation lacks proportionality. Fortunately, this bill, even if it passes the Senate and is sent on to the President, will be vetoed. It is regrettable that we have wasted so much time on this bill, when, instead, we could have acted on truly important issues like preserving Social Security and Medicare. Now that the political play has been made, I hope that we can return to substantive work on issues that really matter to the American people.

Mr. HATCH. Mr. President, today we are considering a bill to return a portion of the surplus that is projected to be $2.9 trillion over the next ten years. This bill represents a balanced package that takes into account the problems as we go forward in the good times. The bill will provide fiscally responsible tax relief over the next ten years while reducing the public debt and still save the $1.9 trillion Social Security surplus.

Many of my colleagues have argued that $792 billion in tax cuts is too much—that we should save this money for Medicare and other spending. I strongly disagree. It is important that we not forget those who are responsible for the surplus—hard-working, overpaying taxpayers. After all, what is a surplus—it is excess revenues over the amount needed to fund government operations.

The $2.9 trillion surplus is large enough to balance our priorities. This Conference Report shows that we can provide meaningful tax cuts, provide for Medicare, and reserve the Social Security surplus.

I also marvel at how much we have recently heard from my colleagues on the other side of the aisle about debt reduction. I never knew the depth of their concern until recently, since they fought the balanced budget amendment so hard. The balanced budget amendment would have once and for all imposed spending restraints on Congress. The majority of my colleagues argued vigorously against such constitutional restraints, implying that they wanted unlimited access to the government checkbook.

In my view, we have a surplus, and we do not have a tax cut, the temptation of Congress to spend that surplus will be too great. I made this point many times during debate on the constitutional amendment to balance the budget, and I will make it again. If we have a surplus, this money will burn a hole in Congress' pocket.

This conference report provides tax cuts for every American who is paying the $792 billion in taxes. This may not sound like much, but it is particularly since they fought the balanced budget amendment so hard. The balanced budget amendment would have once and for all imposed spending restraints on Congress. The majority of my colleagues argued vigorously against such constitutional restraints, implying that they wanted unlimited access to the government checkbook.

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August 5, 1999

he did in what must be record time to produce this Conference report. My colleagues should recollect that barely 6 days ago today that the tax bill was adopted on the floor of Senate.

And now we are here with a completed Conference report. The work of the Chairman Finance Committee staff and the Joint Tax Committee staff is to be applauded. They all labored long hours and the result is a bill that I am proud to support.

The Congressional Budget Office (CBO) projects that the total budget surplus over the next 10 years will be $2.9 trillion. Nearly a trillion dollars ($996 billion) of that surplus ($996 billion) comes from overpayments of income and estate taxes.

What this tax bill does is return barely 25 percent of the surplus tax payments and return that money to the American taxpayer. All of the $1.9 trillion Social Security surplus will be used solely for preserving Social Security. And, as a result of this bill, we have more than $200 billion available for saving Medicare and paying down part of the debt.

Mr. President, yesterday, President Clinton reiterated that he will veto this bill because he believes the tax refund is too large.

The fact is that what the President wants to do is not provide a tax refund to the American public, but instead he wants to use the surplus to finance $1 trillion in new federal spending. And despite his claim that he wants to cut taxes by $300 billion, CBO scored the President’s budget as actually raising taxes by $100 billion over the next 10 years.

In other words, at a time when we are running real surpluses in the hundreds of billions, the President comes along and wants to impose even higher taxes on the American people so he can finance more big government.

That trade should not be vetoed because it provides a tax refund to every single American who pays taxes. The lion’s share of the tax cut—nearly $400 billion—results from cutting the 15 percent rate to 14 percent and the near elimination of the marriage penalty.

Is that what President Clinton objects to—reducing the tax rate paid by the lowest income taxpayers? Or does the President object to elimination of the marriage penalty? That must be the case. In fact, if the President had his way and we cut taxes by $300 billion, we could not eliminate the marriage penalty; we could not cut the rate paid by the lowest income earners.

The bill also provides rate relief for all bracket taxpayers over the next 10 years. A modest 1 percent reduction in all tax rates is surely something we can afford with a trillion dollar surplus. I find it hard to believe that the President would object to such a modest cut here.

The conference report also contains the Senate provisions that put the limit on contributions to Individual Retirement Accounts (IRAs) to $5,000. Moreover, it retains the provision in our bill that allows increased contributions by people over 50.

In recent months, we have seen that the American savings rate is actually a negative number. These incentives could well serve to increase our savings rate. Is that what President Clinton objects to—enhancing retirement savings incentives?

Or does the President object to the health care provisions in this bill? Health care changes that bring a much needed level of equity to the tax code?

Allowing the self employed to deduct 100 percent of the cost of health insurance finally brings small business to parity with large corporations.

And for the first time in our history, employees who pay for more than half of their own health insurance will be able to take an above-the-line deduction for those costs. I thought the President was so concerned about the uninsured. Why would he veto a tax bill that finally provides health equity to employees and small business owners?

The conference report will also serve to continue the flow of money into equity markets by cutting the capital gains rate to 18 percent for all transactions that took place after January 1, 1999. I believe the capital gains rates should be even lower, but with the resources at hand this is an appropriate change.

One of the most important changes in the conference report is the phase out and ultimately, in 2009 the elimination of the estate tax. This onerous tax punishes the hard work of many Americans and the death of this tax is long overdue. Confiscatory estate tax rates of 55 percent should, if this bill becomes law, finally be a relic of history.

This conference report will be sent to the President when we return in September. He has one month to reconsider his veto threat. The American people deserve a tax refund. This conference report provides very modest and long overdue relief. I urge my colleagues to support this bill and I ask the President to reconsider his veto threat.

Mr. LEAHY. Mr. President, Congress went on a tax cut binge in the 1980s and left the bill for our children. Now that we have surpluses, we have a chance to pay off that debt. The last thing Congress should be doing right now is to put our strong economy at risk by passing a tax scheme as risky as the Republican plan.

Some of my fellow colleagues in Congress have gone off again on a binge of irresponsible tax cutting that puts our strong economy in jeopardy. Projections of budget surpluses in the future have gone straight to their heads—as if projected budget surpluses were like hard hit when I was in the House and Senate to splash some cold budget reality on their faces and return to their economic senses.

A sound economy rests on a solid foundation of balanced revenue and spending policies. For the past seven years, the President and Congress have built this solid foundation by reducing the deficit and restraining spending. You can’t give away benefits when you’ve constrained spending and put Vermont’s state budget in the black. Yankee thrift was alive and well in Washington, as it is in Vermont.

President Clinton inherited a deficit of $290 billion in 1992 and his administration and Congress have steadily cut it down. For the first time since 1969, we now have a balanced budget.

I am proud to have voted for the 1993 deficit reduction package, which was a tough vote around here, and has brought the deficit down. I am also proud to have voted for the 1997 balanced budget and tax cut package—tax cuts that were fully paid for by offsetting spending cuts. These balanced policies have kept interest rates down and employment up. In fact, over the past seven years, this deficit reduction has produced $189 billion in interest savings on the national debt, or roughly $290 billion in savings for every American family.

Republicans and Democrats can rightfully claim their shares of the credit for getting the nation’s fiscal house in order. The important thing is that we keep our budget in balance well into the 21st century and keep our economy growing.

That dose of Yankee fiscal discipline has paid off for Vermonters. Since 1993: Vermont’s unemployment rate has dropped by 15 percent;omic differences that were fully paid for by offsetting spending cuts. These balanced policies have kept interest rates down and employment up. In fact, over the past seven years, this deficit reduction has produced $189 billion in interest savings on the national debt, or roughly $290 billion in savings for every American family.

Instead of keeping on this path of prosperity, the huge tax cut bill that Congress just passed veers from our successful fiscal discipline. It cuts taxes by $792 billion and these sweeping cuts out of projected budget surpluses over the next 10 years. These surpluses are not real. They are just projections. What happens if we suffer a recession in three years or a depression seven years from now? These tax cuts are paid for by Monopoly money.

But fooling with our strong economy is not a game. Passing risky tax cuts based on wishful thinking will have real consequences for America. It is estimated that paying for these huge tax cuts would: force more than 13,000 Vermont veterans to lose health care benefits; prevent any Medicare reform and new prescription drug coverage for seniors; Vermonters lost 3,699 Vermonters from the WIC program; close off 2,116 Vermont students from Pell grants to help make college more affordable; and serve 11,277 fewer school lunches to Vermont children.

Instead of this fiscal folly, I believe Congress should follow three basic principles to continue our strong economy and provide targeted tax relief.
First, we must continue to keep our fiscal house in order and pay down the national debt. The national public debt stands at $3.6 trillion—that is a lot of zeros. Like someone who has finally paid off his or her credit card balance but still has a home mortgage, the Federal government has finally balanced its annual budget, but we still have a national debt to pay down. Indeed, the Federal government pays almost $1 billion in interest every working day on this national debt.

It makes a lot more sense to pay off the national debt as our first priority, because nothing would do more to keep the economy strong. Paying down our national debt will keep interest rates low. Consumers gain ground with lower mortgage costs, car payments, credit card charges with low interest rates. And small business owners can invest, expand and create jobs with low interest rates.

Alan Greenspan, head of the Federal Reserve, recently testified before Congress that: “I would prefer that we keep the surplus in place and reduce the public debt.” I agree with Mr. Greenspan and I believe most Vermonters do too.

Second, we should put aside some of the surplus in a rainy day fund for Medicare and Social Security reforms. Just as we set aside extra revenue in a rainy day fund in Vermont, Congress should do the same on a national level. We all know that Congress must reform Social Security and Medicare for the future costs of the baby boom generation. This rainy day fund should also permit Medicare to cover prescription drug coverage for our seniors.

One of the toughest and most important challenges that we face—right now—is to make sure that Social Security and Medicare will continue to be there for those who retire decades from now. The number of Social Security beneficiaries is expected to rise by 37 percent from now until 2015, and Medicare runs into problems even earlier than that. Protecting Social Security and Medicare will not be easy, but these projected surpluses make it easier to keep both programs strong for future generations.

Third, tax cuts should be fair and targeted to help all Vermonters, not just the wealthy. According to a Treasury Department analysis, the Senate-passed tax cut would be $138 for the bottom 60 percent of taxpayers while the top one percent of taxpayers would receive a tax break of $46,389. Again, that is not fair.

Tax cuts that are targeted—such as eliminating the marriage tax penalty, a full tax deduction for their health insurance and estate tax relief for family farmers and small business owners—also don’t break the bank. I supported a more responsible alternative package of $290 billion in tax cuts that would still leave room in the budget for Congress to make key investments in veterans, education and crime-fighting programs. I believe this targeted approach is far more prudent than the Republican tax cut plan.

The enormous budget surplus that the Senate leadership claims is available to pay for nearly $800 billion in tax cuts is achieved only by unrealistic economic assumptions and deep cuts in programs. These cuts would have to be attained in the long run.

That is why I cosponsored an amendment filed by Senator Rockefeller that assumes there will only be a $100 billion surplus over the next ten years. This projected surplus is consistent with estimates by the Concord Coalition, Policy Priority, former CBO director Robert Reischauer and the Citizens for Tax Justice. The Rockefeller-Reed-Leahy amendment is a prudent and fiscally responsible approach that balances tax relief, maintains living standards and maintaining obligations to existing programs such as NIH research, veterans health, Head Start and the environment.

I call upon President Clinton to follow through on his pledge to veto this irresponsible tax scheme. He should send Congress back to the drawing board to do it right. And the next time, Congress should apply a stout measure of Yankee thrift.

FURTHER EXPLANATION OF ABSENCE

Mr. CRAPO. Mr. President, due to the wedding of my oldest daughter, Michelle Crapo, I will be unable to participate in the debate and vote on the Conference Report for H.R. 2488, the Taxpayer Refund and Relief Act of 1999. Had I been present, I would have cast my vote in favor of the measure.

The Conference Report for the Taxpayer Refund and Relief Act of 1999 is good for income taxpayers, the economy, and the nation. I urge my colleagues to support the report.

Mr. ROCKEFELLER. Mr. President, will the distinguished Chairman of the Finance Committee yield for a question?

Mr. ROTH. Mr. President, I will be glad to answer the distinguished Senator’s question.

Mr. BREAUX. Mr. President, the conference report for The Taxpayer Refund and Relief Act of 1999 states that section 1317 of the Senate amendment regarding prohibited allocation of stock in an S corporation ESOP was not included in the conference agreement. Is that report language correct?

Mr. ROTH. Mr. President, that report language is not correct. The conference agreement adopted section 1317 of the Senate amendment without modification.

Mr. BREAUX. Mr. President, I thank the distinguished Chairman for this clarification.

TAX TREATMENT OF COMMISSIONS PAID TO UNBUNDLED CELLULAR TELEPHONE CUSTOMERS

Mr. MURKOWSKI. Mr. President, the Senator from Louisiana, Mr. BREAUX, the assistant majority leader, Senator NICKLES, and I would like to engage Chairman Roth in a brief colloquy on an issue that several members of the Finance Committee have become involved in over the past several months.

I refer to the fact that in some cases the IRS has taken what I believe is an unreasonable and unrealistic position regarding the tax accounting of sales commissions paid by providers of commercial mobile telephone service for enrolling customers. In the cases I refer to, IRS has contended that these sales commissions paid by commercial mobile telephone companies are like any other marketing expenses incurred by telephone companies—or any other companies—and are deductible under current tax law.

Mr. NICKLES. I want to lend my voice to the positions expressed by both Senator MURKOWSKI and Senator BREAUX. It does not make sense to me that sales commission/costs can be anything but deductible. MURKOWSKI. This issue is not addressed in the pending tax bill because the Treasury Department has indicated to the Finance Committee that it is in the process of reviewing the IRS’s position. We have been assured by the Treasury officials they plan to resolve the issue this year.

The Treasury apparently agrees that the IRS may have gone too far.

Mr. BREAUX. The IRS position was difficult and impossible to administer. The position will lead to years of litigation, as companies and the IRS battle out whether commissions should be capitalized or deducted.
That will drain resources from both sides for no productive reason.

Mr. MURKOWSKI. We would like to ask Chairman Roth for his views on how this issue can be resolved expeditiously and efficiently.

Mr. ROTH. I believe that this is an issue of concern to Finance Committee members. The cellular telephone industry is a high-growth, job-creating, industry. It is clear to any observer that the industry is frenetically competitive. The companies incur substantial marketing expenses, including sales commission, to attempt to sign up new customers and to entice customers to move from other carriers.

I have little doubt that the IRS’s position requiring companies to capitalize the sales commissions may lead to years of litigation. The Treasury Department has made the decision to review the IRS’s position. The agency included the issue in its 1999 Priority Guidance Plan and has advised the committee that they plan to deal with the issue this year.

I strongly support the quick resolution of this issue by the Treasury Department. Sales commissions are a basic cost of doing business for cellular telephone companies, and I believe that the Treasury should be able to reach a sensible resolution of this issue.

Mr. MURKOWSKI. I very much appreciate the chairman’s thoughts and look forward to working with him and the Treasury to see this issue dealt with.

Mr. BREAUX. I also appreciate the chairman’s views on this. We are confident that the Treasury will resolve this issue satisfactorily, and we will be following events at the Treasury closely.

Mr. NICKLES. I thank the chairman for sharing his views on this important issue, and I hope it can be expeditiously resolved.

Mrs. BOXER. Mr. President, this bill is a reckless tax plan. As a way to summarize my opposition, the following are my top ten reasons I oppose this bill.

One, it is unfair to the middle class and the working poor. The average tax cut for a person who makes $30,000 per year is $311, compared to a tax cut of almost $46,000 for someone who makes more than $800,000 per year.

Two, it threatens low interest rates. Alan Greenspan testified before the Senate Banking Committee last week—and I quote—“It’s precisely that imprecision and the uncertainty that is involved which has led me to conclude that we probably would be better off holding off on a tax cut immediately, largely because of the fact that it is apparent that the surpluses are doing a great deal of positive good to the economy in terms of long-term interest rates.” If interest rates go up just one percentage point on a $100,000 mortgage, the increased monthly cost is $70—in essence a tax increase on every homeowner.

Three, there is not a dime in it for Medicare. As the Baby Boom generation begins retiring in 10 years, the Medicare situation will get larger, not smaller. This plan, by ignoring the issue, just compounds the problem we all know is coming.

Four, there’s nothing in it for debt reduction. Because the Democratic plan saves Medicare, it has the added benefit of reducing the debt. We have a historic opportunity to ensure that our children will not be saddled with huge interest costs currently totaling over $600 million a day.

Five, it contains special-interest goodies, such as repealing an excise tax for a few companies that make tackle boxes and providing a $4 billion tax break on foreign oil and gas income.

Six, it will require huge and unsustainable cuts in discretionary spending. Because the Republicans are assuming a freeze on discretionary spending at fiscal year 1999 levels—something my colleagues must agree to for the next few months—the reality is that this plan would force cuts of an enormous size in education, law enforcement, environmental protection, and the military. This is completely unrealistic given inflation and the needs we have as a country.

Seven, it relies on long-term surplus projections, which is very risky. Any businessman will tell you that even projecting out five years is unreliable at best. This bill tries to predict the economy over the next 10 years.

Eight, it ties our hands in the event of a recession. The country is in a tremendous economic rebound, and we do not need a broad-based economic stimulus. But if we go into a recessionary period, that is when a tax cut would be needed—to help us get out of the recession. This plan precludes that option.

Nine, it risks going back to the dark days of dramatic deficits. We have finally brought the annual budget after 30 long years of red ink, and this plan turns right around and goes back to those times.

Ten, it is totally partisan. The Republican leadership rejected compromising with Democrats—and no Democrat will fight in the room when this plan was put together. That is no way to write important legislation that affects every American.

I urge the President to fulfill his promise to veto this dangerous legislation, which will violate the most remarkable economic recovery in history.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I now yield 5 minutes to the Senator from New Jersey, who will be our last speaker.

Mr. TORRICELLI. Mr. President, I ask at the end of 4½ minutes I be notified the time has expired.

The PRESIDING OFFICER. The Senator will be notified.

Mr. TORRICELLI. Mr. President, in life you can extend your hand, but to make any real progress someone has to grasp it. For these several weeks, many of us have worked to try to find some reasonable middle ground in the cause of reducing taxes on the American people. It was a worthwhile effort. I believe it is fair, and if indeed Americans are too high and it is the American people who worked hard and paid their taxes who have produced this extraordinary American surplus. They deserve a dividend for the American economic performance.

But a tax reduction is not all the American people deserve. They also deserve to know their children are getting educated in quality schools with good teachers. I am for tax reduction, but I want a tax reduction that allows teachers to reduce class size and the rebuilding of crumbling American schools. I am firmly committed that tax reductions for the middle class are required and should be enacted by this Congress. But I also believe the American people deserve the personal health care system that provides for prescription drugs through Medicare for elderly Americans.

My point is simply we are at a time when the Nation can both afford and the American people deserve. In the bipartisan tax reduction plan of $500 billion, Senator BREAUX, Senator KERREY, and I, working with our Republican colleagues, fashioned a plan where we believed we could reduce taxes on savings and encourage people to invest in the new economy by reducing or eliminating capital gains taxes on modest investments and by eliminating taxes on interest on modest savings accounts so all Americans save for their own future for security for their own families.

In our plan we expanded by 4 million families the number of people from the 28-percent tax bracket to the 15-percent tax bracket because this Government has no right to tax at 28 percent the modest incomes of families who earn $50,000, $60,000, and $70,000, raising one and two children. Indeed, at this point in our history it is something we can afford—to allow people to keep that money for their own needs.

Perhaps it was always going to be so, but that bipartisan tax plan was not enacted. But I am not a man who is discouraged easily. When the bipartisan plan was introduced, we described how the October plan was the only plan where there are tax plans that are presented because they have political value and communicate a political message, and there are tax plans enacted because they can be attained and they change the law. This was never going to be a brief process and perhaps it was never going to consist of a single phase. Tonight, the first phase is concluded. A message is being sent to the President and to the American people by both political parties. The Democratic Party is cutting itself off to make the middle-income tax relief after protecting Social Security and allowing for national objectives of Medicare and education.
The PRESIDING OFFICER. The Senator has consumed 4½ minutes.

Mr. TORRICELLI. Thank you, Mr. President.

I believe that is still a worthwhile objective and I join with my party in doing so. It is, however, my hope that we can accelerate this process. This bill can be passed tonight, the President can exercise his judgment, and we can return.

Therefore, I ask unanimous consent if the conference agreement passes, the bill be enrolled within 5 days and sent the following day to the President.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. Mr. President, I ask there be printed in the RECORD a statement "Sequester Impact of Tax Bill," prepared today by the Office of Management and Budget. I will read two sentences:

Beginning in 2002, Medicare would be cut by 4 percent each year. * * *

In 2002, the $28 billion cut in mandatory savings resulting from a sequester would still be $6 billion less than the cost of the tax bill.

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

SEQUESTER IMPACT OF TAX BILL

If the Conference Agreement on the Republican Tax bill were to be enacted in its present form, it would result in a sequester of mandatory programs in each year beginning in 2000. Mandatory spending would be cut by $2.4 billion in 2000. Beginning in 2002, Medicare would be cut by 4% each year. Mandatory programs subject to a full sequester would be eliminated, including CCC, child support enforcement, social services block grants, immigration support, crop insurance, mineral leasing payments and veterans education and readjustment benefits. The costs of the tax bill in 2002 and subsequent years exceed the savings that could be achieved by a sequester of mandatory programs. In 2002, the $28 billion cut in mandatory savings resulting from a sequester would still be $6 billion less than the costs of the tax bill.

MEDICARE

Medicare spending would be cut by $2 billion in FY 2000 and by $8.2 billion or 4% in FY 2002. Medicare payments to all providers (e.g., hospitals, physicians, home health agencies, skilled nursing facilities) would be reduced proportionately by the sequester. Any reductions in current Medicare spending will increase the pressure to "undo" the BBA and increase Medicare spending. It also may make it difficult to garner support for the reforms included in the President’s Medicare reform plan, which includes important new initiatives (e.g., the prescription drug benefit) as well as justifiable reductions in spending.

VETERANS READJUSTMENT BENEFITS

The Readjustment Benefits account provides education benefits and training to more than 450,000 veterans, reservists, and dependents through the Montgomery GI Bill and the Vocational Rehabilitation and Counseling Programs.

The elimination of Readjustment Benefits in FY 2002 would mean that these veterans, reservists, and dependents would lose entitlement to the education and training programs that are aimed at finding and becoming productive members of society again.

CCC FARM PROGRAMS AND CROP INSURANCE

The Senate has just passed a bill that provides over $7 billion in FY 2000 emergency assistance to the Nation’s farmers and ranchers, to help them through these times of nationwide low commodity prices and regional droughts that are withering crops and livestock. Simultaneously, this bill would cut assistance to farmers funded through the Commodity Credit Corporation, through a small FY 2002 sequester (and paid into) when they enlisted. Programs like the GI Bill are the most potent recruitment and retention tools the military services have. Further, service members transitioning to civilian life would no longer be afforded retraining through college programs, work-study, or on-the-job training.

If eliminated, the Vocational Rehabilitation and Counseling program, which helps 50,000 disabled veterans overcome employment handicaps sustained on active duty, would no longer assist veterans in finding jobs and becoming productive members of society again.

SOCIAL SERVICES BLOCK GRANTS (SSBG)

Sequestering this entire amount in FY 2002 and subsequent years would bring the immigration services program to a halt, leaving millions of legal aliens stranded in the immigration process and stopping all new immigration actions. This untenable situation would have the further effect of stopping all new fee revenue collections, thereby increasing overall mandatory spending.

MINERAL LEASING ACT PAYMENTS

The impact of a 100-percent outyear sequester starting in FY 2002 on Mineral Act Leasing payments would be devastating to many States. Under current law, these payments are made by the Interior Department to States as a percentage of Federal receipts received from the leasing and development of mineral resources (oil, gas, coal) on Federal lands in those States. Most of the payments are made to the western States and to Alaska. The States, in turn, generally use these payments to help finance local elementary and secondary schools. Some of the lowest income States would have outyear funding to schools substantially reduced as a result of such a large sequester.

PAYGO SEQUESTER CALCULATION

The PAYGO sequester for FY 2000 is $23.4 billion which is offset by program savings totaling $28.5 billion. The following table summarizes the PAYGO sequester:

<table>
<thead>
<tr>
<th>Programmatic Sequester Amounts:</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicare</td>
<td>1,981</td>
<td>15</td>
<td>9,247</td>
<td>9,993</td>
<td>10,567</td>
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<tr>
<td>Social Services Block Grants</td>
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<td>0</td>
<td>5,047</td>
<td>4,327</td>
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<td>Child Support Enhancement</td>
<td>12</td>
<td>0</td>
<td>3,148</td>
<td>3,381</td>
<td>3,649</td>
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<tr>
<td>Immigration Support</td>
<td>22</td>
<td>0</td>
<td>1,441</td>
<td>1,435</td>
<td>1,435</td>
</tr>
<tr>
<td>All other (across-the-board sequester)</td>
<td>14</td>
<td>0</td>
<td>1,319</td>
<td>1,319</td>
<td>1,319</td>
</tr>
</tbody>
</table>

The total PAYGO sequester for FY 2000 is $23.4 billion which is offset by program savings totaling $28.5 billion.

Guranteed and Direct Student Loan Program borrowers would have their origination fees increased by one-half of a percentage point beginning in 2000.

The average student loan borrower would pay an additional $29 in origination fees. A graduate student taking out the maximum $18,500 loan would pay an additional $93 in fees. A college junior or senior taking out the maximum $10,500 loan would pay an additional $53 in fees.

Over 5.5 million beneficiaries would be affected.

CHILD SUPPORT ENFORCEMENT

New Federal funding for Child Support Enforcement would be eliminated beginning in 2002 and many States would no longer be able to support basic child support programs. In FY 1998 this program collected $14.3 billion on behalf of children and families, and helped many low-income families move from welfare to work.

STUDENT LOANS

Mandatory funding for immigration programs pays for the costs administering laws related to admission, exclusion, deportation and naturalization of aliens. These costs are funded principally from fees paid by aliens. Sequestering this entire amount in FY 2002 and subsequent years would bring immigration services programs to a halt.
The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield back the time I remain.

Mr. President, would you believe there is one more Republican speaker? The PRESIDING OFFICER. The Chair would believe that statement.

THE TAXPAYER REFUND & RELIEF ACT OF 1999—SPEAKERS OF THE STAFF

Mr. LOTT. Mr. President, tonight we are passing a fantastic piece of legislation. The Taxpayer Refund and Relief Act of 1999 will return $792 billion of tax overpayments to American taxpayers over the next 10 years. It will cut income tax rates for all Americans. It contains dramatic cuts in the marriage penalty. It cuts capital gains tax rates and indexes capital gains for inflation. It eliminates death taxes. It expands retirement opportunities, educational opportunities, and health care choices. This, Mr. President, is a superb bill, and I am proud to have been a part of the process that developed it. I want to thank the following staff for their dedication, intelligence, long hours, and commitment to Republican principles. The most important of these is Chairman BILL ROTH's staff. Chairman ROTH provided the leadership, and these people did all the hard work to back them up. From Senator ROTH's Committee on Finance, I want to thank Frank Polk, Joan Woodward, Mark Prater, Brig Parri, Tom Roesser, Bill Sweetnam, Jeff Kupfer, Ed McClel-lan, John Bradshaw, Ginny Flynn, Connie Foster, and Myrtle Agent. They are the tax counsels and policy experts who help us understand the intricacies of tax policy and legislation. We rely upon them every day for advice, and we have leaned on them for support during the past month. They are professional, patient, intelligent, and dedicated. I also want to thank John Duncan and Mark Arch for Senator ROTH's staff for their leadership.

One person in particular deserves special mention. Mark Prater, Chairman BILL ROTH's chief tax counsel, was the principal Senate staff architect of this bill. Mark is an enormously valuable resource to the entire U.S. Senate. Mark's knowledge of tax policy and the tax code are unsurpassed. His dedication to good tax policy is unmatched. While we all worked hard to craft this legislation, Mark has given his days, nights, and weekends to this bill for several months. And his patience, professionalism, and easygoing demeanor make it a pleasure to work with him. I know that I speak for all of my colleagues, and for their staff, when I say thank you to Mark Prater for his work on this bill.

I want to thank all of the Joint Tax Committee staff for their excellent, professional staff work. Under the leadership of Lindy Paull, and two of her deputies, Rick Grafmeyer and Mary Schmitt, the Joint Tax staff did an incredible job turning around legislative language and scoring faster than we thought possible. They said we couldn't conference two $792 billion bills in less than a week. Thanks to the leadership of BILL ROTH and BILL ARCHER, and to the lightning speed of the Joint Tax staff, we proved them wrong.

The staff for the Republican members of the Finance Committee also deserve special recognition: Kathleen Black from Senator Chafee's staff, Kolan Davis from Senator Grassley's staff, Judy Hill from Senator Hatch's staff, Alexander Polinsky from Senator Murkowski's staff, Hazen Marshall from Senator Nickles' staff, Ginger Gregory and Keith Hennessy from my staff, Dick Ribbenont, Steve McMillin, and Mike Solon from Senator Gramm's staff, Jeff Fox and Ken Connolly from Senator Jeffords' staff, Vic Wolski and Shelly Hermes from Senator Mack's staff, and Rachel Jones and Libby Wood from Senator Thompson's staff.

Much of the debate centered on questions that are normally considered in a budget resolution, rather than a reconciliation bill. So I also want to thank Senator Domenici's excellent Budget Committee staff, who, as always, did top-notch work. In particular, I want to highlight the efforts of Bill Haagland, Cheri Reidy, Beth Felder, Jim Capretta, Amy Smith, Sandra Wiseman, and Andrew Siracuse. And we can't forget the Budget Committee "masters of spin," Bob Stevenson and Amy Call.

I offer my profound thanks to all of these dedicated Senate staff. Without their hard work, we would not be enjoying today's success. I believe then Senator Specter will be the final speaker.

Mr. ROTH. I yield 3 minutes to the distinguished Senator from Pennsylvania.

Mr. SPECKER. Mr. President, in my view, the underlying issues on the conference report on the tax cut bill present a close question. There is much to be said for the basic proposition of returning to the position that surplus to the taxpayers so that they, instead of Congress, can decide where to spend the money.

The competing view is that the projected surplus over a 10-year period is highly speculative and that great care must be exercised to be sure Social Security and Medicare are solvent. The projected surplus also requires adherence to caps or limitations on spending which both the Congress and the President now admit to be unrealistic. The projected surplus also does not take into consideration emergencies, such as the multibillion-dollar Agriculture appropriations bill which passed the Senate last night.

In addition, there is substantial merit to using any surplus to pay down the national debt, thus reducing the $293 billion in annual interest charges on the $5.6 trillion debt. On balance, on a close question, I believe the Nation's interest will be best served by rejecting the $792 billion tax cut, leaving open the possibility at a later time of a more modest $500 billion tax cut as proposed by a group of centrists.

In reality, the vote on the conference report may well be meaningless in light of the President's repeated statements that he will veto the bill. This bill is probably just another step in the complex negotiations involving pending appropriations bills, including mine as my capacity as chairman of the Subcommittee on Labor, Health and Human Services, and Education.

I voted against the tax bill when it was before the Senate last week, and I am opposed to the tax bill tonight. At the urging of the majority leader, Senator LOTT, I have agreed to consider a live pair with my colleague, Senator CRAPO, who is in Idaho for his daughter's wedding. As of early this morning when I talked to Senator CRAPO, there were no commercial flights which would return him to Washington in time to vote. If he returned by charter aircraft, he would miss his daughter's wedding ceremony and disrupt the family's wedding celebration.

I have decided to agree to that live pair, which means that during the rollcall, if it is necessary, if it turns out Senator CRAPO's vote is indispensable, I will say that if CRAPO were here, he would vote aye for the bill and I would vote nay against the bill. His absent aye vote would be paired then with my nay vote which would not be cast. I am concerned, candidly, that this live pair being inside the beltway would be widely misunderstood, but I believe it is preferable to compelling Senator CRAPO's return to Washington.
Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 181, H.R. 2084, the Transportation appropriations bill.

Mr. REID. Objection. The PRESIDING OFFICER. Objection is heard.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to Calendar No. 181 and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the motion to proceed to Transportation appropriations bill:

Trent Lott, Pete V. Domenici, Paul Craig Moran, Ted Stevens, Slade Gorton, William V. Roth, Jr., Bob Smith of New Hampshire, Craig Thomas, Michael Crapo, James Inhofe, and Frank Murkowski.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote on the Transportation appropriations bill will occur on Thursday, September 9.

I ask unanimous consent that the cloture vote occur at 9:30 a.m. on Thursday, September 9, and that the mandatory quorum under rule XXII be waived.

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

ORDER OF BUSINESS

Mr. LOTT. Mr. President, there will be no further votes tonight. I would like to update the Members as to votes tomorrow. The Senate will resume the Interior appropriations bill for consideration of amendments. However, no further votes will occur this evening. If votes are ordered, those votes will be postponed to occur on Wednesday, September 8. I hope Senators who have
amendments to the Interior appropriations bill will stay after the vote and further debate the amendments. I see that the manager of the bill is here.

Because of the agreement we reached and because of the good work that has been done so far, I think that we can complete the Interior. We are going to have a finite list from which to work. In view of that, there will not be a session tomorrow. The next votes will be on Wednesday, September 8. I urge Senators to be here on the 8th because there will be votes, perhaps on the bankruptcy bill, or amendments to the Interior. Members should expect votes on that Wednesday. In addition, there will be the cloture vote on Thursday.

I particularly thank the manager of the Tax Relief Act, Senator Roth, who did an excellent job, and the ranking member, Senator Moynihan, and a lot of the dedicated staff who put in long hours to make it possible. I appreciate the cooperation of all of our Senators to get this work done so we can have this period to go home and work our States during August. I hope everybody has a very prosperous, healthy, and enjoyable State work period. I appreciate the cooperation.

I yield the floor to Mr. Thurmond addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. Thurmond. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

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

(remarks of Mr. Thurmond pertaining to the introduction of S. 178 are located in today’s Record under “Submissions of concurrent and Senate resolutions.”)

AMENDMENT TO THE AGRICULTURAL ADJUSTMENT ACT OF 1938

The PRESIDING OFFICER. The Senator from Washington.

Mr. Gorton. Mr. President, I ask unanimous consent to proceed to the immediate consideration of S. 1543 introduced earlier this year.

The PRESIDING OFFICER. The Senator from Washington makes the motion.

Mr. Gorton. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, as follows:

8. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TOBACCO PRODUCTION AND MARKETING INFORMATION.

Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

SEC. 320D. TOBACCO PRODUCTION AND MARKETING INFORMATION.

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, subject to subsection (b), release marketing information submitted by persons relating to the production and marketing of tobacco to States or other States that is engaged in the distribution of national trust funds to tobacco producers and other persons with interests associated with the production of tobacco, as determined by the Secretary.

“(b) LIMITATIONS.—

“(1) IN GENERAL.—Information may be released under subsection (a) only to the extent that—

“(A) the release is in the interest of tobacco producers, as determined by the Secretary; and

“(B) the information is released to a State trust or other organization that is created to, or charged with, distributing funds to tobacco producers or other persons with interests associated with the production of tobacco.

“(c) ASSISTANCE.—

“(1) IN GENERAL.—In making a release under subsection (a), the Secretary may provide such other assistance with respect to information released under subsection (a) as will facilitate the interest of producers in receiving the funds that are the subject of a trust described in subsection (a).

“(d) FUNDING.—The Secretary shall use amounts made available for salaries and expenses of the Department to carry out paragraph (1).

“(e) RECORDS.—

“(1) IN GENERAL.—A person that obtains information described in subsection (a) shall maintain records that are consistent with the purposes of the release and shall not use the records for any purpose not authorized under this section.

“(2) PENALTY.—A person that knowingly violates this subsection shall be fined not more than $10,000, imprisoned not more than 1 year, or both.

“(f) APPLICATION.—This section shall not apply to—

“(1) records submitted by cigarette manufacturers with respect to the production of cigarettes;

“(2) records that were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas; or

“(3) records that aggregate the purchases of particular buyers.

PERMISSION FOR TEMPORARY CONSTRUCTION ON THE CAPITOL GROUNDS

Mr. Gorton. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 167, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 167), authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol grounds, for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 168

Purpose: To amend H. Con. Res. 167, authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol grounds as follows:

“(a) As may be necessary for the demolition of the existing building of the Carpenters and Joiners of America and the construction of a new building of the Carpenters and Joiners of America on Constitution Avenue Northwest between Louisiana Avenue and 1st Street Northwest, adja cent to the side of the existing building of the Carpenters and Joiners of America on Constitution Avenue Northwest.

“(b) Such construction shall include a covered walkway for pedestrian access, including access for disabled individuals, on Constitution Avenue Northwest between 2nd and 3rd streets, and 3rd and 4th Streets, and 4th and 5th Streets.

“(c) Such construction shall ensure access to any existing fire hydrants by keeping clear a minimum radius of 3 feet around any fire hydrant.
fire hydrants, or according to health and safety requirements as approved by the Architect of the Capitol."

On page 3, line 4, add the following new subsection:

"(c) No construction shall extend into the United States Capitol Grounds except as otherwise provided in section 1."

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to, and the resolution, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the Record.

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

The amendment (No. 1608) was agreed to.

The concurrent resolution (H. Con. Res. 167), as amended, was agreed to.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONTINUED

Mr. GORTON. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The order is to recognize the Senator from Virginia, Mr. Robb.

Mr. GORTON. Is the Interior bill the subject?

The PRESIDING OFFICER. The Interior bill is the pending business.

The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

Mr. President, in discussions with the manager of the bill, the majority leader, and the Democratic leader, and understanding that the matter that I was going to raise would require fairly extensive debate and then a vote, thus delaying the departure of Members for the August recess—and remembering how fond Members have been of not bothering Members of this body when they have to leave—obstacle between leaving on the August recess and making one last vote—I have agreed with the distinguished manager of the bill, the Senator from Washington, not to offer the amendment. He has agreed to recognize me first when the bill is next before the Senate.

With that in mind, and knowing that many of our colleagues are, as I speak, heading for the airports, I will not offer the amendment I had planned to offer this evening. I will offer it when we next take up the Interior appropriations bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I thank the Senator from Virginia.

I had expected that we would have a vote on a point of order with respect to the section of the bill to which he refers tonight. He prefers, as is his right, to introduce a motion to strike this particular provision. That is, of course, a debatable motion and a motion that would be debated with some seriousness.

The majority leader has said the floor is available to debate amendments tonight with the exception of the Senator from Virginia.

I don't see anyone here who I believe really wants to introduce and debate an amendment tonight. We will leave a resolution or any recorded vote until Wednesday.

One Senator, Mr. Smith from Oregon, I know, wishes to debate the Senator from Virginia. If we can find him in the next 5 minutes or so, or that there could be a real debate, then I would be delighted to have the Senator from Virginia attend this amendment. But I think we ought to have someone on both sides here in order to do it.

In the meantime, for a few minutes at least, we are searching around to see if there are any agreed-upon amendments that I can simply introduce and have offered and passed.

I also notice the presence of the Senator from Wyoming who waited patiently this morning with the Senator from Florida for a debate on a particular amendment which might possibly end up being determined by a voice vote.

I ask the Senator from Wyoming whether his partner from Florida is available this evening.

Mr. ENZI. No, that's back-checking.

Mr. GORTON. Mr. President, I am going to suggest the absence of a quorum while we see whether or not in the next few minutes we can gather people together for at least one debate on one amendment before we adjourn for the recess.

With that, for the moment, 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. GORTON. 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. DOMENICI. Mr. President, I rise in strong support for S. 1292, the Interior and Related Agencies Appropriations bill for FY 2000.

As a member of the Interior Appropriations Subcommittee and the full Appropriations Committee, I appreciate the difficult task before the distinguished Chairman and Ranking Minority to balance the diverse priorities funded in this bill—from our public lands, to major Indian programs and agencies, energy conservation and research, and the Smithsonian and federal arts agencies. They have done a masterful job meeting important program needs within existing spending caps.

The pending bill provides $14.0 billion in new budget authority and $9.15 billion in new outlays to fund Department of Interior agencies, including the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Indian Affairs, the U.S. Geological Survey, and the Minerals Management Service, and the U.S. Forest Service, the Indian Health Service, the fossil energy and energy conservation programs of the Department of Energy, the Smithsonian, and federal arts and humanities agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $49.6 billion in budget authority and $14.3 billion in outlays for FY 2000. The Senate Subcommittee is $1 million in both budget authority and outlays below its revised 302(b) allocation. The bill is $35 million in BA above, and $104 million in outlays below, the bill recently passed by the House. The bill is $1.1 billion in BA and $0.7 billion in outlays below the President's budget request in large measure because the President's offsets to increased discretionary spending are not within the jurisdiction of the Appropriations Committee.

I commend the Subcommittee Chairman and Ranking Member for bringing this important measure to the floor within the 302(b) allocation. I urge the adoption of the bill, and I ask unanimous consent that the Budget Committee scoring of the bill be printed in the RECORD at this point.

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

S. 1292, Interior Appropriations, 2000 Spending Comparisons—Senate-Reported Bill

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<th>Fiscal year 2000, in millions of dollars</th>
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Note—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

MATERIALS R&D

Mr. BYRD. Mr. President, I wish to engage the Chairman in a brief colloquy regarding materials research and development efforts funded through the energy programs in the Interior appropriations bill.

Mr. GORTON. I will be happy to join the Ranking Member of the Interior Appropriations Subcommittee in such a colloquy.

Mr. BYRD. I thank the senior Senator from Washington. Much of the
The report continued with the statement that "the park staff, with considerable support from an excellent volunteer cadre, is doing a valiant job of operating the park to the best of their ability, but lack the same breadth of resources and facilities in other National Park Service sites." More than 300-school group program requests were denied last year because of the lack of staff. A large percentage of park visitors leave without learning the significance of the park due to the lack of programs. The shortage of staff will become even more critical with completion of the new infrastructure and increased visitation.

Mr. GORTON. I am well aware of the shortfall when it comes to operation expenses, not only at the Congaree Swamp National Monument, but at many National Park Service sites. When crafting the FY 2000 Interior Appropriations bill, we took staffing needs and operation expenses into account and provided $1,355,176,000, which is an increase of $69,572,000 over the fiscal year 1999 enacted level.

Mr. HOLLINGS. If the Congress Swamp National Monument is deemed to have critical health and safety deficiencies, inadequate resources protection capabilities and shortfalls in visitor services, can a portion of this $27 million be used to hire additional staff?

Mr. GORTON. I understand that the National Park Service has already targeted these funds for specific park sites.

Mr. BYRD. Mr. Chairman, I also understand the frustration that arises when National Park Service sites are under staffed. In fact, a number of National Park Service sites in West Virginia have unmet operational and staffing needs. I can assure the distinguished Senator from South Carolina that if the National Park Service deems the Congress Swamp National Monument to be in need of additional staff to carry out its stated mission, the Committee would give careful consideration to providing additional funds in the future to increase staffing levels at this site. It is important that visitors to all our National Park sites come away with the education and appreciation that the sites deserve.

Mr. HOLLINGS. I thank both the Chairman and Ranking Member for everything they have done in support of those sites.
Our National Parks. I also want the National Park Service to work with the Congress Swamp National Monument, as well as other parks sites, to make sure that they are adequately staffed to carry out their stated missions.

Mr. BYRD. I rise with my colleagues on the Appropriations Committee from Wisconsin and Vermont to engage the Chairman of the Interior Appropriations Subcommittee, the Senior Senator from Washington, in a colloquy regarding Forest Service research, and the intent of the Committee on Appropriations.

Mr. GORTON. I would be pleased to enter into a colloquy with the Ranking Member of the Interior Subcommittee and with the distinguished Senators from Wisconsin and Vermont who also serve on that Subcommittee to provide further guidance and clarification as to the Committee direction included in the fiscal year 2000 Interior appropriations bill and accompanying report.

Mr. BYRD. Mr. Chair, S. 1292, a bill making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, including a provision of $10,000,000 below the fiscal year 1999 enacted level (from $197,444,000 to $187,444,000). Is this the total decrease included in the bill for this program?

Mr. GORTON. While the overall reduction of $10,000,000, within the total funding level the Committee has provided increases above the fiscal year 1999 level of (1) $1,130,000 for the harvesting and wood utilization laboratory in Sitka, Alaska, (2) $2,000,000 for forest inventory and analysis, (3) $500,000 for hardwood research and development at Purdue University, (4) $600,000 for the development of the National Center for Landscape Fire Analysis at the University of Montana, and (5) $600,000 for the Forest Research, Education, and Production (CREP) program. Therefore, other activities of the Forest Service research are to be reduced by a total of $14,930,000 below the enacted level.

Mr. BYRD. What guidance has the Committee provided the Forest Service with respect to how the Forest Service should reduce its other research activities by $14,930,000?

Mr. GORTON. The report accompanying S. 1292, Senate Report 106-99, stresses the core mission of the Forest Service and directs that the research program of the Forest Service has lost its focus on its primary mission—forest health and productivity—and directs the Forest Service to reduce those areas not directly related to enhancing forest and range-land productivity. There are existing research programs outside the agency that have greater expertise and objectivity than the Forest Service: especially beyond the disciplines of forest health and productivity.

Mr. BYRD. I rise with the concern that without further elaboration on this matter the Forest Service may misinterpret the Committee's intent and take reductions that are not in keeping with the expectations of the Committee. It would be useful to expand upon the guidance provided in the report in order to avoid any misunderstandings as to the will of the Senate.

Mr. GORTON. Your point is well taken, and I welcome the opportunity to provide additional information. The expectations of the Committee are that the Forest Service will not provide any increased funding for projects not expressly stated as increases in Senate Report 106-99. In other words, the Committee has not provided any increased funding for the climate change technology initiative or for global climate research. Nor has the Committee provided any increased funding in this account for Forest Service research on invasive species, fire science, watershed science, inventory and monitoring, or recreation, wilderness and life habitat research programs, for the application of mathematical programming and computer simulation tools in national forest planning, and for forest health monitoring research.

Beyond disallowing any of these increases, the Committee expects reductions in research funding to be targeted in those research areas that are not directly related to its core mission of forest health and productivity. In addition to social science and recreation research, which are well outside the expertise and core mission of the Forest Service, research not directly related to forest health and productivity includes, but is not limited to, research on wildlife, fish, water, and air sciences; global climate change and wilderness research. Beyond these research areas, other funding projects that the Committee's goals are appropriate for reductions include the administrative costs of the Washington office (funded at $11,261 million in fiscal year 1999) and support for so-called "national commitments" (funded at $5,744 million in fiscal year 1999).

Mr. BYRD. I thank the Chairman for explaining the expectations of the Committee regarding forest Service research. Based on this clarification, is it the Committee's intent that the Forest Service will maintain funding at the fiscal year 1999 level for projects NE-4557 (Disturbance, Ecological and Management of Oak-Dominated Forests), NE-4751 (Forest Engineering Research—To Evaluate Alternative Harvesting Strategies), NE-4353 (Sustainable Forest Ecosystems in the Central Appalachians), NE-4701 (Efficient Use of the Northern Forest Resources), NE-4803 (Economics of Forest Resources), and NE-4805 (Enhancing the Performance and Competitiveness of the U.S. Hardwood Industry)? All of these projects are in Western Virginia and contribute directly to forest health and productivity.

Mr. GORTON. Your point is well taken, and I welcome the opportunity to provide additional information. The intent of the Committee that these projects be funded for fiscal year 2000 at their fiscal year 1999 funding levels.
currenty used for boat storage. These lands are adjacent to the confluence of Rock Creek and Potomac River, making their care and maintenance critical to the protection of the watershed. I understand that upkeep and maintenance of the boathouse is the responsibility of the concessioner that manages the boathouse. Does the Chairman of the Subcommittee feel that it would be appropriate for the National Park Service to review the concession contract for the boathouse, and the performance of the concessioner under that contract, to determine whether the concessioner should be compelled to make a greater effort to maintain and rehabilitate the boathouse and appurtenant lands?

Mr. GORTON. I agree that such a review would be appropriate.

Mr. STEVENS. Does the Chairman also agree that, to the extent appropriate in meeting its responsibilities and mission, the National Park Service should review the maintenance and rehabilitation needs for this area and strongly consider allocating additional resources to make any needed improvements?

Mr. GORTON. In the past several years, the Committee has provided the Service with a substantial amount of additional funds for repair and rehabilitation of park facilities and properties. I agree that it would be appropriate for the Service to consider allocating a portion of these resources for the purposes noted by the Senator from Alaska.

Mr. STEVENS. I thank the Chairman of the Subcommittee.

MAGGIE WALKER NATIONAL HISTORIC SITE

Mr. ROBB. Mr. President, I like to take a few moments to express my concern about funding for the Maggie Walker National Historic Site in Richmond. While construction funding was included in the budget submitted by the Secretary of the Interior, funding for the Maggie Walker National Historic Site was not included in the Interior appropriations bill before us today. I want to make sure that the managers of this legislation are aware of just how important the Maggie Walker project is to both the Richmond community and to our nation. I would also like to urge them to provide this funding.

Maggie Walker, who lived in Richmond from 1867 until her death in 1934, epitomized triumph in the face of adversity. In an era that glorified male achievement, and in a part of the nation that did not encourage African American leadership, she stood out as a very successful member of society despite the fact that she was both female and African American.

Ms. Walker both succeeded within the system and pushed for change. She established a newspaper. She organized a student strike to protest unequal graduation ceremonies. She founded a bank and was the first woman in the nation to serve as president of a bank. She was also actively involved in founding the Richmond chapter of the NAACP, and throughout her life, Maggie Walker championed humanitarian causes.

The Maggie Walker National Historic Site in Richmond is comprised of the Walker home, and several adjacent support buildings. The Walker residence was purchased by the Walker family in 1904. The residence served as Ms. Walker’s home until the year of her death. The Walker family sold the home to the National Park Service in 1979. Further renovations to the home were made to restore its original family pieces.

The National Park Service budget request is necessary to literally protect the site from destruction, as well as for safety and historic preservation. Funding will support a fire suppression system for the main Walker home, and will restore the exteriors of the adjacent support buildings. These structures will be used for interpretive and education facilities, and for museum storage.

Mr. WARNER. I join my colleague in this effort. Mr. President, the construction funding request by the National Park Service budget would help protect our heritage. I want to make sure that Maggie Walker’s life will provide a strong role model for present and future generations seeking to overcome adversity.

Maggie Walker urged women to work together to place an end to society. She said, "If our women want to avoid the traps and snares of life, they must band themselves together, organize, acknowledge leadership, * * * and work * * * for themselves." Maggie Walker also stressed the empowerment of minorities in the business field. She recognized the "need of a savings bank, chartered, officered, and run by the men and women of this [community] * * * "Let us have a bank that will take the nickels and turn them into dollars." The Maggie Walker House symbolizes the persistence of an individual in the face of prejudice. For citizens in Richmond, the life of Ms. Walker, and her National Historic Site, are a daily inspiration.

I hope the construction money allotted to the Maggie Walker National Historical Site in the National Park budget and approved by the President will be provided. I thank my colleagues for their consideration and appreciate hearing the managers’ views on this project.

Mr. GORTON. I agree with the Senators from Virginia that the life of Maggie Walker should be an inspiration. While we’re facing tough funding constraints and did our best to meet National Park Service needs in the State of Virginia, I will work with the senior senator from West Virginia to see what can be done for the Historic Site.

Mr. BYRD. I agree with the Senator from Washington that this project is important, and I will do what I can to see that funds become available. VIRGINIA BEACH MINERALS MANAGEMENT SERVICE

Mr. ROBB. Mr. President, the senior Senator from Virginia, Senator Warner, and I hope we can rectify this matter during conference negotiations on the Interiors Appropriations Bill.

Mr. WARNER. I support the view of my colleague. We wish to briefly review the issue for the Managers and explain why we believe that an injustice has been done to the City of Virginia Beach.

For over 50 years, the U.S. Army Corps of Engineers, in conjunction with the Minerals Management Service, has operated the Sandbridge Beach Erosion Control and Hurricane Protection Project, one of the region’s highest priorities. Early in 1998, several Nor’easter storms washed away Sandbridge Beach, which is an important barrier island that provides protection for the Back Bay National Wildlife Refuge. Forty homes were lost to the storms, and more than 300,000 cubic yards of protective beach sand were washed away. As a result, there was an immediate, critical need to replenish the beach. Although the Corps has the responsibility of annual replenishment of Sandbridge, as it is a federally-authorized project, the City advanced the money to replenish the beach because it was in a state of emergency.

I wish to emphasize that point. Instead of waiting for the Congress to appropriate the funds to the Corps, the City spent $8.1 million of its own money for the Sandbridge Beach Replenishment, which is an option Congress allowed the City under the Water Resources Development Act.

The Minerals Management Service (MMS) became involved when the Corps selected a location to mine the sand for Virginia Beach. The location selected, the bottom of the ocean three miles off the coast, is an area legally designated as the “outer continental shelf.” Pursuant to the 1994 amendments to the Outer Continental Shelf Lands Act (OSCLSA), the MMS made a decision, which we believe to be both unfair and poor policy, to charge the City of Virginia Beach for the sand mined.

The new law provides that the Secretary may assess a fee. This affords discretion not to assess a fee on a case-specific basis.

VIRGINIA BEACH MINERALS MANAGEMENT SERVICE
Mr. GORTON. That’s right. More important, we believe that not charging the city would have been the best policy decision because it would have paid for the city protected federal land. MMS guidelines state that “when OCS sand is used for protection of Federally-owned land (e.g. for military bases, national parks, and refuges), a fee would not be charged.” That is the case in this instance.

Sandbridge beach is crucial to protecting the Back Bay National Wildlife Refuge, which is federally owned. The fragile beach acts as a buffer island as the fresh water/brackish environment is three feet lower than the ocean adjacent to Sandbridge. If this beach is not maintained, an inlet could form, changing the ecology to a salt water estuary causing that would harm the Refuge and also disrupting one of the possible water sources for the City of Chesapeake. Additionally, the project is directly adjacent to the Dam Neck Fleet Combat Training Center. The beach at this location had recently reached a point with an 850,000 cubic year nourishment project. Sandbridge acts as a feeder beach for the Dam Neck area and also provides protection to the flank of the training center. In short, the City of Virginia Beach used its own funds to protect federal property. Compensation is only fair.

I’d like to add that fair compensation is something the City of Virginia Beach had assumed in good faith would be forthcoming. The City acted in an emergency to protect the beach. This beach is a Congressionally-authorized project and is being constructed by the U.S. Army Corps of Engineers led the city to believe that the Corps would reimburse the City for the cost of maintaining the beach if there was a loss of federal funds for project-related activities had progressed to the point that an “assessment of a fee for the OCS sand re- noishment project construction.” The MMS therefore determined that waiving the fee would be in the best interest of the public in those two cases. In the case of Sandbridge Beach, we believe that it was in the best interests of the public for the MMS to waive the fee as it not only is a Congressionally authorized project, but it also protects a federally owned wildlife refuge, the Back Bay National Wildlife Refuge.

Mr. GORTON. What was the nature of the fee assessed to the City by the MMS?

Mr. ROBB. The City of Virginia Beach was assessed a fee of $0.18 per cubic yard of OCS sand for shore protection projects sponsored by the Corps. One was in Lee County, FL and the other in Myrtle Beach, SC. For these two cases, the MMS ruled that project-related activities had progressed to the point that an “assessment of a fee for the OCS sand re- noishment project construction”. The MMS therefore determined that waiving the fee would be in the best interest of the public in those two cases. In the case of Sandbridge Beach, we believe that it was in the best interests of the public for the MMS to waive the fee as it not only is a Congressionally authorized project, but it also protects a federally owned wildlife refuge, the Back Bay National Wildlife Refuge.

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Mr. JEFFORDS. Mr. President, I thank the Subcommittee on Interior, and particularly Chairman Gorton, for his excellent work on the FY 2000 Interior and Related Agencies Appropriations bill. I would especially like to thank the Chairman for encouraging the Department of Energy to consider the Vermont Agency of Transportation electric vehicle lease proposal. I would just like to clarify that the committee's recommendation refers to a request for $400,000 from the Vermont Agency of Transportation to develop an electric vehicle program, including the purchase and demonstration of electric vehicles, the creation of charging stations, reports documenting vehicle use, and the collection of experiential data, for the State of Vermont and its municipalities.

Mr. Gorton. I thank the Senator from Idaho for his kind remarks. Within available funds, the Committee encourages the Department of Energy to provide funding for the Vermont Agency of Transportation Vehicle Lease Program.

PONCA TRIBE OF NEBRASKA USER POPULATION

Mr. KERREY. Mr. President, I am concerned the Ponca Tribe of Nebraska funding for health services is not adequate to provide these services to tribal members. As the Chairman may know, the Ponca Tribe was terminated in 1995. The tribe is literally a federally recognized Tribe in 1990. At the time of restoration, the tribe's user population was estimated at 654 and was allocated a $1.2 million budget.

In January 1998, the Ponca Tribe established the Ponca Health and Wellness Center in Omaha, Nebraska. This clinic provides quality medical, dental, pharmacetical, and community outreach health services to members of all federally recognized Tribes. As a result, the Ponca clinic, the user population has increased to over 2000 users without a budget increase to address the larger population. Does the distinguished Senator from Washington agree this problem must be addressed?

Mr. Gorton. I understand the concerns of the Senator from Nebraska regarding the need for resources to address the increase in user population for the Ponca Tribe Health and Wellness Center. I believe is important for the Ponca and other Tribes to be able to continue providing quality health services for its members. I believe the IHS should examine this issue and identify ways to help the Ponca and other Tribes, which have experienced unusual increases, address this concern.

Mr. Kerrey. Clearly, the Ponca Tribe needs resources in order to meet the health needs of an increased user population. It is my hope the Indian Health Service (IHS) will address this unusual increase with its resources. I encourage the IHS to provide increased funding to any Tribe that has experienced an increase in the user population of 50 percent or more over fiscal years 1996-99 to the extent possible within existing resources.

MAIL SANDOZ CULTURAL CENTER $500,000

FUNDING REQUEST

Mr. KERREY. Mr. President, I wish to ask for the distinguished floor manager a question.

Mr. Gorton. Certainly. I am happy to respond to my colleague from Nebraska.

Mr. Kerrey. I realize that this year, you and Ranking Member Byrd are facing a challenging appropriations season with tight budgetary constraints. I appreciate your hard work and all that you have done. However, I wanted to bring to your attention a very important project for the State of Nebraska, especially the western part of the state, the Mari Sandoz Cultural Center at Chadron State College in Chadron, Nebraska. Mari Sandoz wrote extensively about the Great Plains—about farming communities, about cattlemen and grazers; about the Cheyenne and Oglala Sioux. She captured in her writings a special time and place. Chadron State College and the Mari Sandoz Society are developing a cultural center to preserve, protect, and interpret the heritage that is associated with Mari Sandoz's life and work. I had hoped that we would be able to find $450,000 to assist with this project.

Mr. Gorton. I am aware of the Senator's interest in this project and its importance to Nebraska's history and heritage. We were unable to include funding for one of the accounts where this project might be supported. However, I will work with the Senator to see if we can identify funds for this project in the future.

Mr. Kerrey. I thank the Chairman for his assistance. I appreciate the consideration of this important project, and I know the people of Nebraska, especially western Nebraska, will also be more appreciative.

FOREST SERVICE RECONSTRUCTION AND MAINTENANCE

Mr. KOHL. I rise to engage the Chairman of the Interior Appropriations Subcommittee, the Senator from Washington, Senator Gorton, in a colloquy on an item in the Forest Service budget which needs some clarification.

The fiscal year 2000 budget justification submitted by the administration does not include the 'failure to fund' the 'adaptation' of a new facility at the Forest Products Lab in Madison, WI, to accommodate a move of the Forest Service's regional office from Milwaukee to Madison. However, on April 15, 1999, during a hearing in the Appropriations Committee on the Forest Service budget, Mike Dombek, the Chief of the Forest Service, reiterated what the Forest Service has told me in the past: The Forest Service has withdrawn the proposal to move its Milwaukee office. The idea of moving the regional office from Milwaukee first came up in response to concerns about the rent in Milwaukee. Since then General Services Administration (GSA) has indicated that by fiscal year 2000, the rent in Milwaukee will be reduced by 18 percent, eliminating the need for the move.

During the Appropriations Committee's mark-up, we inadvertently included $300,000 for the proposed move in the Forest Service's reconstruction and maintenance budget. Since the Forest Service and GSA have confirmed that the move will not go forward, the Committee is directing the Forest Service to use the $300,000 in this account at the Forest Products Lab to expand the planned heat, ventilation, and air conditioning work already scheduled to occur at the lab. The funding should be used to replace air conditioning equipment for buildings 33 and 34. The current equipment is more than 30 years old and is in poor condition, lacking automated controls so overtime staffing is needed to operate the equipment on weekends. Replacement of the air conditioning chillers in these buildings will be more energy efficient and will reduce overtime costs.

Mr. Gorton. I appreciate the Senator from Wisconsin raising this issue. Leaving the regional office in Milwaukee will save the Forest Service $1.5 million slated for future years spending to build a new facility in Madison. The Committee agrees that using the $300,000 in the fiscal year 2000 budget to improve the HVAC systems at the Forest Products Lab is a far better use of these funds.

Mr. Kohl. I appreciate the Senator from Washington's courtesy and look forward to working with him in conference to ensure that this money is spent as the Committee intended.

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

Mr. BENNETT. Mr. President, there are several provisions in this bill that result directly from the establishment of the Grand Staircase-Escalante National Monument. First, we have identified $300,000 with GSA for the monument planning and decision making process. In FY 1999, $500,000 was provided to the two counties, and we anticipate that there will be funds available from the fee demonstration program that could return them to the FY 99 level.

Additionally, we provided $100,000 to implement the ‘Garfield-Kane County Partnership Action Plan.’ This action plan was a result of the request that began last year to help the counties and communities that have been most impacted by the monument designation. This is not a welfare program; this is to help them with reorganization to the sufficiency. The Department of Interior, to its credit, has supported this effort and provided funds for a conference that was held in Kane County earlier this year. The conference was mediated by the Sonoran Institute. The conference report is the basis for the funding.

The regional entities have formed a planning commission, the Partnership...
Mr. MACK. Mr. President, I rise today with my colleague from Florida, Mr. GORTON, to address briefly the issue of Everglades restoration and land acquisition funding. We had joined with our friends in getting land acquisition funding for the Everglades National Park, state assistance grants, infrastructure investment, and modified water deliveries to the Park and Florida Bay. This funding is critical to keep the restoration effort on budget, on schedule, and consistent with the Congress’ commitment in 1997 to fully fund Everglades restoration.

Mr. GRAHAM. Mr. President, following the comments of my colleague from Florida, the Committee did not see fit to appropriate the full amount of these requested funds due to several concerns outlined in the Committee’s report. First, the report addressed the $60 million in unobligated balances at the Department of Interior that have already been appropriated by Congress for the Everglades restoration effort. Further, the Committee echoed concerns raised in a recent GAO report concerning a more expedient dispute resolution and an integrated strategic plan. I would ask the distinguished Chairman of the Subcommittee if this—in general—reflects the concerns of the Subcommittee as outlined in the report?

Mr. GORTON. That is correct, I also note that the Subcommittee’s 302(b) allocation was more than $1 billion below the President’s request, which compelled the Subcommittee to provide lower funding levels for land acquisition in order to protect core operating programs.

Mr. MACK. Mr. President, the reservations of the Subcommittee are valid ones and my colleague from Florida and I are willing to be helpful however we can in addressing these concerns. I would say to the Chairman that we are making progress on these issues. The Department of the Interior tells me they are working with the State of Florida to remove the barriers to allocating the unobligated land acquisition and restoration balances. The Department assures these funds will be obligated by the end of this fiscal year.

Mr. GRAHAM. Let me follow on by saying the Department further assures us they are making good progress on the concerns raised by the GAO report and echoed by the Committee. In fact, on July 1 of this year, the administration outlined the Everglades Restudy—which is an extremely detailed 20-year plan for restoring the Everglades—to the Congress.

Mr. MACK. I would ask the Chairman of the Committee and assurance that we would be willing—given the movement toward resolving his concerns since release of the Committee’s report—if he would be willing to work with us in Conference to increase the overall Everglades funding from the levels currently in the bill?

Mr. GORTON. I thank my friends from Florida for bringing this matter to my attention. I will take a look at his response and assurances on this important issue. I would also like to mention briefly the funding level for the South Florida Ecosystem Restoration Task Force. It is my understanding the Task Force’s funding has been kept steady at $20 million per year, as statutorily authorized in 1996. I want to bring this matter to the Chairman’s attention because of the restraints this low funding ceiling is placing on the Task Force’s ability to carry out its mission in South Florida.

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Mr. GORTON. That is correct. I point out that this project is not authorized as a federal acquisition project. In addition, stateside Land and Water Conservation Fund projects are determined at the State level, so funds for state grants are included in the bill, still not will not be possible to secure dedicated funding for this project.

Mr. LIEBERMAN. I understand that, and respectfully withdraw my amendment.

Mr. KOHL. Mr. President, I want to take a moment to engage the distinguished Chairman of the Subcommittee, Senator GORTON, on a matter relating to the Land Acquisition and State Assistance account for the National Park Service.

I was pleased to see that the Committee chose to provide funding for the Ice Age National Scenic Trail in this account. One of eight National Scenic Trails in the United States, the Ice Age Trail meanders through 31 Wisconsin counties, generally following the terminal moraine. As I noted in my reformation of the Ice Age Trail in the state of Wisconsin is impressive. Many volunteers, local governments,
and private organizations have contributed to the development of the trail. The state of Wisconsin has also provided essential matching funds to the trail’s many partners. One of the most compelling aspects of this request for funding is the commitment from the State of Wisconsin to match the federal funding we are providing for Ice Age Trail land acquisition.

Mr. GORTON. The Senator is correct. The Committee notes the commitment of past and present state of Wisconsin legislators to engage in a dialogue with private entities. Mr. JEFFORDS and the Chairman of the Interior Appropriations Subcommittee, the gentleman from Washington, on the Weatherization Assistance Program provision in the bill passed by the other body.

Mr. Chairman, as you are aware, the other body passed its version of the FY 2000 Interior appropriations legislation on July 14. That bill included a provision mandating States to provide a 25 percent state cost share, or state match, in order to receive their FY 2000 Weatherization Assistance grants.

Despite the potential ramifications of implementing a State match, no hearings have been held, and no input has been solicited from the States to determine if cost sharing is realistic or necessary for this program. As many Senators are aware, state legislatures across the country simply cannot meet this deadline with such short notice. In fact, some legislatures are not even aware and will not meet again for another year or even two.

Currently, the only data we have regarding the impact of the proposed State match comes from an informal survey undertaken this month by the National Association of State Community Services Programs; it indicates that 25 states definitely cannot provide matching funds in FY 2000; another five large states are uncertain whether they can meet the requirement, and less than ten States currently provide state-appropriated funds to Weatherization and would be able to comply immediately.

It seems to me that consideration of such a fundamental change in the distribution of state Weatherization Assistance grants falls squarely under the jurisdiction of the authorizing committee. Wouldn’t the Chairman agree?

Mr. MURKOWSKI. That is certainly true. The Committee currently has no analysis of the need for such a cost share nor of the state-by-state or national impact of such a requirement.

Although the State of Alaska has established a State’s “Trust Fund” to contribute a significant amount to the State’s Weatherization efforts, it would be imperative that we ascertain the ability of other States to undertake such commitments before deciding on a change to the commitment to Weatherization services throughout the nation.

Of course, a federal program that can leverage non-federal funds and attract other partners always has a stronger and more sustainable program. The Senator from New Mexico, in his statement, will explain why the Senator from New Mexico informed us as to whether any States have many such resources in their Weatherization program?

Mr. BINGAMAN. I am told that, nationally, Weatherization leverages about a 50 percent add-on from non-federal sources—but there is no study of this and it probably varies widely among states. In fact, the same informal state survey I just mentioned reported that states have private partnerships between the utilities and the local community action agencies to leverage funds.

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murrelets on the lands scheduled to be exchanged to Plum Creek. I agree these lands should be left in federal ownership. I would like to ask Senator Gorton does one senator understand legislation is needed to allow the Forest Service to keep the two sections in question?

Mr. Gorton. Yes. The Forest Service and Plum Creek have been working on an amendment that would allow these two sections to be dropped from the exchange and for the appraisal to be adjusted accordingly. It is my intention to continue to work with the Forest Service and Plum Creek to draft an amendment to include in the conference report.

Mrs. Murray. I thank the Senator. I look forward to continuing to work with you, the Forest Service, Plum Creek, and other interested parties as the legislation is developed.

The underground railroad

Mr. Dianne. Mr. President, I thank Senator Gorton and Senator Byrd, the Chairman and Ranking Member of the Subcommittee on Interior Appropriations for their hard work. As they both know, last year I sponsored the authorizing legislation for the National Underground Railroad Network to Freedom. This new law directs the National Park Service to review hundreds of Underground Railroad sites in Ohio and around the country, identify the most notable locations, and produce and disseminate appropriate educational materials. I believe the history of the Underground Railroad is a part of the American story that we should be proud of. Last year, the Chairman and Ranking Member worked with me to fully fund the program in Fiscal Year 1999. I made a similar request this year. I would like to ask for clarification of some language contained in the Committee Report. Specifically, the Committee provided $1,245,891,000 to the National Park Service for park management. Byrd, the Chairman's intent that this figure includes $500,000 for the implementation of the National Underground Railroad Network to Freedom?

Mr. Gorton. I thank my colleague from Ohio. The Senator is correct. The funding for National Park Service park management will fully fund the implementation of the National Underground Railroad Network to Freedom.

Mr. DeWine. I appreciate the clarification from the Chairman and thank him and Senator Byrd for their continued support for this program.

Benjamin franklin national memorial

Disabled access improvements

Mr. McCain. Mr. President, I have sought recognition to speak about the need for the federal government to share in the cost of much-needed disabled access improvements at the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania. As my colleague from Pennsylvania, I want to express my support for a project of historical, academic, and economic importance at Gettysburg College in Gettysburg, Pennsylvania. I believe that this project is a perfect candidate for funding under the Save America's Treasures grant program.

Stevens Hall, named for prominent Gettysburg citizen Thaddeus Stevens, was the fourth major building erected on the campus of Gettysburg College, in 1867. The building currently serves as a dormitory for undergraduate students. Renovation of the structure is necessary to preserve the building's exterior and modernize the electrical and fire prevention systems.

Gettysburg College plans to restore and rehabilitate Thaddeus Stevens Hall and transform the building into a center for the study of history and the Civil War era. Stevens Hall will eventually house the College's Civil War Institute. Located adjacent to Eisenhower House and just blocks from the Gettysburg National Military Park, this project will not only restore a distinguished example of 19th century architecture, but will attract students of the Civil War nationwide. The College has already committed substantial resources to this important project, securing $2.5 million in private funding for preservation work.

I understand that the committee did not include funding for the Save America's Treasures program, however, federal funding is crucial to the timely completion of restoration work on this historical structure. I urge the Chairman of the Subcommittee, Senator Gorton, to continue to work with me to identify appropriate federal funding for this important preservation initiative.

Mr. Gorton. I thank the Senator from Pennsylvania for his comments, and I look forward to continuing to work with him on this request. I am very aware of the importance of places on this project, and more broadly, on his involvement in Gettysburg. I will work with my friend from Pennsylvania to fund the restoration and rehabilitation of Thaddeus Stevens Hall.

Mr. McCain. Mr. President, I will offer an amendment to H.R. 2466, the FY 2000 Interior Appropriations bill, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial on Federal land in the District of Columbia to honor all disabled American veterans. This legislation is not controversial, costs nothing, and deserves immediate consideration and passage. As a Nation, we owe a debt of gratitude to all Americans who have worn their country's uniform in the defense of her core ideals and interests. We honor their service with holidays, like Veterans Day, and maps of America with memorials, including the Vietnam Wall and the Iwo Jima Memorial. But nowhere in Washington can be found a memorial on Federal land to commemorate the sacrifice of our disabled veterans.

Mr. Santorum. Mr. President, I have already expressed my support for a project of historical, academic, and economic importance at Gettysburg College in Gettysburg, Pennsylvania. I believe that this project is a perfect candidate for funding under the Save America's Treasures grant program.

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as proof that the country they served values their contribution to its cause.

We cannot restore the health of those Americans who incurred a disability as a result of their military service. It is within our power, however, to authorize a budget that would clearly indicate the Nation's gratitude to all whose disabilities serve as a living reminder of the toll war takes on its victims.

Under the terms of this legislation, the Disabled Veterans' LIFE Memorial Foundation would be solely responsible for raising the necessary funding. Our amendment explicitly requires that no Federal funds be used to pay any expense for the memorial's establishment.

I urge my colleagues to join me and Senators Daschle, Coverdell, Cleland, and Kerrey in support of this legislation. America's disabled veterans, of whom Senator Cleland himself is one of our most distinguished, are entitled to our support.

ITM SYNGAS PROGRAM

Mr. SPECHT. Mr. President, I thank the Senator from Washington. The Chairman of the Senate Interior Appropriations Subcommittee, for adding $1.4 million to the Department of Energy's competitively awarded, cost-shared ITM Syngas program, specifically the 'Engineering Development of Ceramic Reactors for Conversion to Natural Gas to Hydrogen and Synthesis Gas for Liquid Transportation Fuels' project. This important high-risk, high-impact gas-to-liquids research and development project will convert domestic remote and off-shore natural gas to synthesis gas, resulting in lower cost production and cleaner alternative fuels. This program also promises to create new markets for U.S. domestic resources and extend the life of the Alaskan North Slope oil fields and the trans-Alaskan pipeline system.

The ITM Syngas research and development effort is a complex project. It requires the Department of Energy and the National Laboratories and universities to work together. As with any complex technological undertaking, the Department of Energy and its ITM Syngas team have had to increase the scope of the initial phase of the program and add a university partner to ensure the project's long-term success.

This $1.4 million is in addition to the budget request for fiscal year 2000 of $2.5 million that is in the Fossil Energy, Gas, Emerging Processing Technology, Affirmations, and the Hydrogen Supply, Hydrogen Research program. The total DOE funding for the ITM Syngas program in fiscal year 2000 is $3.9 million.

The addition of $1.4 million in fiscal year 2000 will allow approximately $600,000 to be allocated to the first phase of this project to fund activities that could not have been anticipated when the program commenced last year. The remaining $800,000 will allow the second phase of the ITM Syngas to be accelerated, allowing future costs to be avoided.

This program brings together the Department of Energy, U.S. industry—large and small—our national laboratories and research universities. Again, I want to thank the Senator from Washington for his efforts to ensure that from the earliest phases of this important research and development effort, ITM Syngas will be a success.

Mr. GORTON. Mr. President, there do not seem to be any amendments to the bill that are ripe for debate and for disposition at this point.

Did the Senator from Virginia have any further comments?

Mr. ROBB. Mr. President, I thank the Senator from Washington for his offer. Given the absence of other Senators who I know want to debate this particular issue, I look forward to resuming that debate when the Senate returns to session on September 8.

Mr. GORTON. Mr. President, I don't think there is any further business in connection with the interior appropriations bill.

MORNING BUSINESS

Mr. GORTON. Mr. President, I therefore ask unanimous consent that the Senate now proceed to 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.

REORGANIZATION OF THE DEPARTMENT OF ENERGY

Mr. KYL. Mr. President, I would like to speak for just a moment to alert my fellow Senators and others about an important development this evening which I think we categorize as another piece of good news, in addition to the adoption of the conference report on the tax reform just concluded by the Senate.

Even though the conference report is in the process of being signed and has not yet been filed, I think I can advise my colleagues that later on this evening the House and Senate Armed Services Committees will have concluded their conference report, including the important revisions of the Department of Energy which follow generally along the lines of the so-called Rudman report recommendations and the amendment that Senators Murkowski and Domenici and I filed earlier in this session to reorganize the Department of Energy.

The House and Senate had both passed versions of that reform of the Department of Energy. The matter was concluded today in the House Armed Services Committee bill, and that is the vehicle by which the reorganization of the Department of Energy will occur.

Just to recapitulate a little bit about how this came about, if you will recall, as a result of the espionage that resulted in the Chinese receiving significant secrets about nuclear weapons of the United States and the possibility that some of that information had come out of our National Laboratories, there was a great deal of study of the security at our National Labs and in the weapons program generally of the Department of Energy.

The President's own Foreign Intelligence Advisory Board, the so-called PFIAB, headed by former Senator Warren Rudman, issued a report, really a scathing indictment of the Department of Energy. Its past security policies or lack of security, and its inability to reorganize itself notwithstanding Secretary Richardson's efforts to begin to reorganize the Department. What it said was the Department of Energy was there will be a reorganization. They reiterated a long list of things which the Department had failed to do, which it had failed to put into place, and described the whole situation at the Department as such that it was impossible to expect them to be able to do this on their own.

Therefore, the Rudman commission recommended strongly the Congress do this reorganization by legislation. That is when Senators Domenici, Murkowski and I reoriented our amendment to follow closely the Rudman commission recommendations and introduced that as an amendment before this body.

It was originally introduced to the Armed Services bill. It was laid out on the Intelligence bill instead. But the Armed Services Committee took the amendment and has worked it now in the conference committee, as I said. As a result of their agreement tonight, there will be a reorganization of the Department, assuming the President signs the Defense authorization bill, which I am sure he would want to do.

Reorganization was agreed to in principle by Secretary Richardson, although there were many things he wanted to change in the detail of it. But what it will do in a nutshell is to establish within the Department of Energy a semiautonomous agency that will have the accountability and the responsibility for managing our nuclear weapons and complex including the National Laboratories. It will be headed by a specific person, an Under Secretary, who will be responsible to the Secretary directly. The Secretary is the Deputy Secretary if the Secretary so desires.

While, of course, the Secretary of Energy remains in general control of all of his Department, including the semiautonomous agency, on a day-to-day basis, its operations will be operated by the Under Secretary, who is responsible for its functions. It will involve security, intelligence, counterintelligence, all of the different weapons, the Navy nuclear program and the other things at the laboratory that relate to our nuclear weapons. To a large extent it will remove the influences of other parts of the Department.
of Energy over the nuclear weapons program.

One of the things the Rudman commission found was that there were too many people with their fingers in the pie; that the laboratories and the weapons programs were having to get too many sign-offs from too many other people around the Department to work efficiently and effectively. The input of the field offices made it very difficult to know who was responsible, and it was hard to find out in some cases who you even had to get sign-offs from in order to get anything done. They said, in effect, it was no wonder the left hand didn’t know what the right hand was doing and that is why they recommended a very clear chain of command, a very clear line of authority with accountability and responsibility with one person at the top and a bunch of people answerable to him—internal as well as the Secretary, of course.

The net result of that should be we will have a much tighter organization run much more efficiently. We will not have the influences of these other disparate actors inside the Department. Security can be carefully monitored and controlled and, in fact, maintained and in some cases even established. Therefore, the security of the nuclear weapons program generally and the laboratory specifically can be enhanced and we will not have the kind of espionage problems we have had in the past.

That is a summary of the problem, the recommendation of the Rudman report, the recommendations Senators Domenici, Murkowski, and I introduced, and the action of the House-Senate Armed Services Committee today in approving this particular plan.

I thank some people specifically involved in developing this. In addition, of course, to Senator Domenici, who was the primary mover behind this idea, and Senator Rudman and the members of his panel; Senator Murkowski added a great deal as did Senator Shelby, the chairman of the Armed Services Committee today, and Senator Shelby added a great deal as did Senator Warner; and the recommendations Senators Domenici and Murkowski and their respective staffs. Indeed, the staff of the Senate Armed Services Committee and the House Armed Services Committee all collaborated to try to make this a constructive, constitutional, and balanced approach.

But if I could ask the Senator a question, so those persons who have not had the opportunity to follow as closely as he the progress of this legislation, does the Senator give credit to the recommendations of the Senate report, the conference report, which was issued by the Senate conference represents a piece of legislation that is stronger, in terms of creating this concept of a separate entity within the DOD, than was the bill passed by the Senate at 93.

Mr. KYL. Mr. President, I think it is. I think the Senate passed a good bill almost unanimously. The House of Representatives had a somewhat different approach. I am sure they considered it an important bill. The chairman knows better than any of us, compromise is required in that kind of situation. I think each body moved somewhat toward the other. So inevitably I think the product, as good as it was out of the Senate, is even strengthened by some of the ideas that came out of the House of Representatives.

I might ask the chairman a question, if I could.

Mr. WARNER. Yes.

Mr. KYL. One of the things that animated us in the Senate was the need to get on with this project, get the Department reorganized, and to begin dealing quickly with these security problems so we did not have any more problems. Reorganization of a Department, obviously, will take a lot of work and some time. Of course, time will be required to appoint the various officials who will be running it.

But I ask the chairman this, just to get his ideas on different dates by which things are required to be done under the legislation. What is our intent with respect to moving this legislation forward and accomplishing its objectives as soon as is possible?

Mr. WARNER. Mr. President, to use an old naval phrase, “with all deliberate speed.”

I know the Senator’s concern about the insertion of a date in March with regard to the final achievement by, presumably, the current Secretary; if Secretary Richardson carries this through. Certain sections, however, of this legislation are quite clear that he should start the day after the President, hopefully, affixes his signature to this piece of legislation.

It is a phasing process. We looked at the date of March, and it should not, in my judgment, be interpreted as any lack of resolve by the Congress. To the contrary, it is a recognition that a certain proportion of this legislation will require a period of time within which to achieve it.

The opposite side of the argument of those who say we should not have that date would be, if you did not put in a recognition that it would take them some time, presumably the President affixes his signature, we could haul the Secretary of Energy up here and say: You haven’t achieved this in 1 week’s time, 2 week’s time or 30 days’ time.

We had to strike a balance. I know that has been of great concern to my distinguished colleague.

Mr. KYL. If I may add, I know the chairman and I share the same view that “all deliberate speed” means we need to get about it as soon as we can. I think the chairman should more to be considered as a deadline for having achieved this rather than a time to begin? Time to begin, of course, when the President affixes his signature.

Mr. WARNER. Mr. President, certainly it is to be viewed the time within which to be completed. Given the certain constructive steps the current Secretary, Secretary Richardson, has taken, I presume he will have achieved the reorganization in a time shorter than that. But I must say to my colleague, you cannot satisfy everybody.

This is my 21st year on the Armed Services Committee, and as we file tonight the signatures of those members of the respective committees, House and Senate, who have approved the conference report, it is my understanding that no Democrat member of the Armed Services Committee in the Senate will be signatory. That comes as a personal disappointment to me as chairman in my first year.

I met with the committee this afternoon. There was representation of probably seven or eight members on the Democrat side. The ranking member let me know beforehand of his concern, and I understood him throughout. We tried as best we could to work with the minority on our committee on this issue, as we do all issues. It is a matter of deep regret that we were not able to reconcile the differences that apparently were very significant between the Democrat approach to this and the Republican majority approach.

I will accept the consequences. I am the captain of this ship now, and I accept full accountability. I do note, however, that my understanding is, as of this hour, most if not all, the Democrat Members of the House have signed, of course, the identical conference report.

Mr. KYL. If I may interrupt for one other comment, I thank the chairman of the Armed Services Committee for...
his courtesies in allowing three Senators who are not members of the committee— Senators DOMENICI, Murkowski, and myself—to be significantly involved in discussing this and proposing suggestions and passing on suggestions that came from the other body. That is a good example of how people in different committees—in my case, the Intelligence Committee—working across jurisdictional lines can help shape the legislation. I personally appreciate that very much.

I want to add this with respect to our friends on the other side of the aisle. I do not know if I can assign a percentage to it, but it still seems to me that about 90 percent of this bill is the Senate bill we passed. I do not know of a single concept that deviates from the concepts within the Senate bill, even though some of the language is different.

I think we protected the Senate legislative concepts very well, and I hope that when our Democratic colleagues will continue to work with us and certainly with Secretary Richardson to implement the legislation.

I know as we go forward there are going to be hearings in different committees, and the chairman's committee will have primary jurisdiction, I understand, and we will be able to continue to work on this because something as significant as the reorganization of the Department is not going to be done in one fell swoop. There will have a lot of fits and starts and oversight and ways of working together. I am sure with the chairman's leadership we will all be able to make this work in the way we intend.

Mr. WARNER. Mr. President, one last observation, if the Senator will remain for a moment, and that is, I think we should acknowledge in this RECORD tonight the work of the Intelligence Committee, the Governmental Affairs Committee, the Appropriations Committee, and the Armed Services Committee. There were four committees that worked diligently.

Our distinguished majority leader would have periodic meetings of the chairmen, and others such as yourself, who had an interest. Senator DOMENICI attended all of those meetings. On this side of the aisle, from our top leadership down through the committee chairmen and others, we worked together as a team to address this national problem, with the understanding that the leakage of information from these magnificent laboratories. Our national security is absolutely dependent on their work product and the security of that work product today and tomorrow and for the indefinite future.

I thank all chairmen. They had a number of hearings. My estimate is that we in the Senate, among the four committees, must have had 25 hearings on this subject.

Mr. KYL. May I add one more thing? I know it sounds like a recapitulation, but when the Senator mentioned Senator DOMENICI and the fine work our National Laboratories do, I was moved to think about how many times during these negotiations Senator DOMENICI, who represents two of those laboratories, Sandia and Los Alamos, made absolutely sure that the work of those laboratories was well understood by everyone, by everyone. He was very zealous in assuring that nothing in the legislation would ever detract from their operation or their success, that they could reach out and engage in new missions, that they would be provided with more environmental protection and funding.

He was a zealous advocate for those laboratories and all the great work they can do. His leadership in that regard is one of the reasons we were able to achieve such a balanced piece of legislation.

I thank the Chair.

Mr. WARNER. Mr. President, the Senator is correct. I also observe, yes, but he was very objective about the science throughout his deliberations, whether in Senator LOTR’s office or the hearings or in our consultations together, he was always very objective, and he put national interests first at every step. So the Senator is correct.

I conclude with one sentence to my friend. I do not think if we recalled William Shakespeare from the grave that this provision on reorganization could have been written on the Department of Energy’s envelope. That is the reason. I have such deep regard about my colleagues on the other side of the aisle. Many times we consulted them right down to the word and the comma and the like. We just did the very best we could, and I am proud of the work our committee did. I pay tribute to the respective staffs and my colleagues who worked on it.

We are fully accountable for the effectiveness, and we, as a committee, together with other committees, will hold a hearing very early next fall to determine the progress, assuming this is signed, within a period of, say, 2 months after the President’s signature is affixed.

I thank my distinguished colleague.

Mr. President, I want to make a few more comments regarding the conference of the House and the Senate. Quite apart from the DOE provision, we are very pleased that we made major strides in this legislation on behalf of the men and women of the U.S. military.

We have an authorized funding level of $288.8 billion, which is $8.3 billion above the President's budget request. And that is in real terms. This is the first time in 13 years that there has been a real— I repeat— real increase in the defense budget.

Our distinguished Presiding Officer is a member of the Senate Armed Services Committee. He actively participated in structuring this piece of legislation. We have approved a 4.8-percent pay raise for military personnel, reform of the military pay tables, and annual military pay raises 0.5 percent above the annual increases in the Employment Cost Index.

We provide military members with a wider choice on their retirement system. We allowed both Active and Reserve component members to participate in thrift savings. There is nothing more important. Indeed, the tax legislation just passed— always, certainly, on this side of the aisle we are trying to seek ways to increase savings in our United States. I am pleased now we give wider opportunity to the men and women of the Armed Forces.

Strategic forces: We authorize a net increase of $400 million for ballistic missile defense, a program that finally has achieved recognition under our distinguished colleague, Senator COCHRAN of Mississippi, in passing here a week ago, the important legislation, which the President has now signed, to take a significant step toward protecting America against the likelihood that possibly some accidental firing or limited attack could be launched against this country. We have a long way to go, but through the leadership of Senator COCHRAN, and other colleagues, I think, another, should we say, 10 years on this lengthy ball field.

We authorize an increase of $212 million for the Patriot PAC-3 system, again missile defense.

Seapower authorized a $1 billion increase to the procurement budget request of $18 billion and a $251 million increase to the research, development, test, and evaluation budget to test the Seapower Sub-committee of the chairmanship of Senator SNOWE.

Very able work was done on behalf of Senator SNOWE and the ranking member, Senator KENNEDY, for the Navy and the Marine Corps and a limited number of Air Force programs under their jurisdiction.

We extended the multiyear procurement authority for the DDG-51 for ballistic missile defense, a program and authorized advance procurement and advance construction for the LHD-8. We authorize construction of three DDG-51 Arleigh Burke class destroyers, two LPD-17 San Antonio class amphibious ships, and one ADC(X), the first of a class of auxiliary refrigeration and ammunition supply ships.

We authorize advance procurement for 2 SSN-774 Virginia class attack submarines and $725 million for the CVN-77, the last of the Nimitz class aircraft carriers currently in planning. We will, however, go on with another class of carriers, and that is the subject of research and development.

In the readiness, we increase funding for military readiness by $1.5 billion. It provides for the protection of the military’s access to essential frequency spectrum. That was a highly contested issue in our legislation. The private sector had concerns that the Pentagon would absorb a proportion of the spectrum beyond its needs. But in consultation with Congressman BLILEY, the
chairman of the House committee with jurisdiction, Senator McCaIN, a distin-
guished member of our committee, as well as chairman here of the Commerce
Committee, we reached this com-
promise, which I hope all will find sat-
isfactory.

In the Airland area, we had an addi-
tional $1.5 billion for critical procure-
ment requirements and an additional
$400 million for research and develop-
ment activities above the President's
request. We fully authorized the devel-
opment and procurement budget re-
quest for the F-22 Raptor.

It is with some regret that the House
did not adequately fund that program,
in my judgment. That is a subject that
is actively before the two Appropria-
tions Committees. But both the House
and the Senate authorizing committees
fully funded that program.

Lastly, upon assuming the chairman-
ship of this committee from my distin-
guished predecessor, Senator Thurm-
ondale, I established a new sub-
committee entitled “Emerging Threats.” That committee, under the
great leadership of Senator Roberts,
moved out, and here are some of the
initiatives taken by that sub-
committee.

We authorize and fully fund 17 new
National Guard Rapid Assessment and
Initial Detection—commonly known as
RAID—Teams to respond to terrorist
attacks on the United States—12 more than has been done in recent
years.

It was my judgment, and Senator
Roberts’ and the members of the com-
mittee, that this is the greatest threat
posed at the United States today—the
proliferation of weapons of mass de-
struction, whether they be biological,
chemical, or possibly the incorporation
of some crude weapon involving fis-
sionable material. We have tomove
out on that. Progress was made by this
subcommittee.

Furthermore, we urged the department
to establish specific budget reporting
procedures for its Combatting Ter-
rorism Program. This will give the
program the focus and visibility it de-
serves while providing Congress with
the information it requires to conduct
thorough oversight of the department’s
efforts to combat the threat of ter-
rorist attack both inside and outside
the United States.

We authorize $475 million for the Co-
operation for Disarmament Program to
accelerate the disarmament of the
former Soviet Union—now Russia—
strategic offensive arms that always
threaten the United States. That was
commonly referred to as the Nunn-
Lugar program for a number of years.

We authorized an Information Assur-
ance Initiative to strengthen DOD’s in-
formation assurance program and pro-
vide for an additional $150 million to
the administration’s request for infor-
mation assurance programs, projects,
and activities.

In cyberspace today, with the rapid
research and development—indeed,
achievement—of many technical initia-
tive, the whole area of cyberspace is
threatened by an ever-growing number
of sources of invasion and compromise,
and indeed, disabling of the systems
themselves.

I thank my colleagues for indulging
me to introduce this important piece of
legislation which will be filed tonight
in the House and, of course, automatic-
ally in the Senate.

I shall now inquire of our staff as to
the desire of other Members to speak,
as well as the wrap up for the evening.
(Mr. KYL, Chairman.
I yield the floor, Mr. President.)

Mr. SESSIONS. Mr. President, I note
the Senator from Kansas would like to
be recognized, but I ask if I could just
make a few comments about the re-
marks that Senator Warner has just
made.

The PRESIDING OFFICER. The Sen-
ator from Alabama.

Mr. SESSIONS. I have been honored
to join the Armed Services Committee
this year. Senator Warner just took
over as its new chairman. Some said we
did not do anything the first part of
the year, but even before the impeach-
ment hearings came, Senator Warner
knew that we had a crisis in our de-
fense circumstances.

We have now a very healthy pay raise
this year for our men and women, a
guaranteed pay raise in excess of the
inflation rate for the next 5 years for
our men and women in the services.

We want to send them a message that
we are concerned about the rapid de-
ployments that they are undergoing and
the amount of time they spend
away from their families. And we want
to continue to monitor that.

I want to say how much I have en-
joyed serving with the Senator.
Members of both parties respect him and
enjoy working with him.

Mr. WARNER. If the Senator would
yield?

Mr. SESSIONS. Yes.

Mr. WARNER. I thank the Senator
very much for his kind comments. But
the Senate has brought to mind the
fact that our majority leader, Senator
Lott, the Armed Services Committee
chairman, was reporting our commit-
the department in putting through S. 4. I
think the earliest bill in the Senate,
which brought about the pay raises and
retirement adjustments, which, hope-
fully, will increase our readiness by en-
couraging more young men and women
to join the Armed Forces—our recruit-
ing having fallen off—and retaining the
skilled personnel that we now have.

Also, it was the Joint Chiefs of Staff
that on two occasions came before our
committee—in September of last year
and again in the early summer—and
unequivocally stated, in their best pro-
fessional judgment, the need for addi-
tional dollars, and how best those
funds could be expended by the Con-
gress, and putting particular emphasis
on the pay and allowances, which is al-
ways the top priority of the Chiefs for
their men and women of the Armed
Forces.

I thank my colleague.

Mr. SESSIONS. I want to say how
much I respect our chairman. I believe
this bill, this appropriations report,
represents a commitment by our Na-
tional Security Council to reverse the
tide. The chairman has supported the
President when he is right. He has been
pre pared to oppose him when he is wrong.
As to those who disagree with our firm
commitment, that I know the Senator
in the chair supports, to reform our nu-
clear labs and to bring an end to this
absolute disaster of security that we
have had, I am disappointed that they
have not yet gotten the message that
serious fundamental reform is needed.
They say those words, but when we
come down with a good bill that does
it, they draw back and again have ex-
cuses. I hope we can work this out and
the bill will pass.

Mr. WARNER. Mr. President, if the
Senator will yield, I have just been in-
formed, much to my great pleasure,
that two members of the minority, two
Democrats on the Armed Services
Committee, have now decided to sign
our conference report, and there is a
likelihood of one or more additional
ones. I depart the floor far more heart-
ened than when I entered about 40 min-
tutes ago.

Mr. SESSIONS. I thank the chair-
man. I also appreciate his leadership and
those who are signing this report. I
think it is one good.

Mr. BROWNBACK addressed the
Chair.

The PRESIDING OFFICER. The Sen-
ator from Kansas.

CHEMICAL WARFARE IN SUDAN

Mr. BROWNBACK. Mr. President, I
stated my support for my distinguished
colleague from Virginia who chairs the
Armed Services Committee. He did a
wonderful job with that. This is such
an important topic, even though we
tend to think of the world as a stable
place where we don’t have to worry
about it. I am glad he is worried about
it and is so focused on it.

That is what I would like to draw the
body’s attention to right now, a situa-
tion that is unfolding against the back-
ground of one of the world’s leading
reporting organizations of Reuters, the
Associated Press, and the New York
Times. This is a very troubling situa-
tion. It is in a part of the world that
has experienced a great deal of trouble,
but nonetheless, I want to point it out
to the body.

On July 23, 22 bombs were reported
dropped on two villages in Sudan—
Lainya and Kaaya—resulting in inter-
nal hemorrhaging, miscarriages, ani-
mals dying among the villages. Several
days later, after the bombs had fallen
on this one village, United Nations re-
 lief workers with World Food Pro-
gramme visited the town of Lainya and
immediately fell ill with strange symptoms. They were consequently evacuated to Kampala, Uganda, for testing even as they continued to physically suffer.

This, in turn, precipitated the beginning of a United Nations investigation into the use of chemical weapons, as reported this week by those three news organizations, chemical weapons that the chairman of the Armed Services Committee was just noting, that the biggest threat we are facing in the future is mass destruction. We are seeing here this week, reported in the newspaper, what has taken place in the Sudan, the symptoms of chemical weapons being reported.

We can't at this time jump to conclusions that they were actually used, but the evidence points clearly to the use of chemical weapons by the organization, by the government in Khartoum against its own civilian population in the southern part of that country.

The government of Khartoum that is sponsoring terrorists around the world, where Osama bin Laden stayed and was hosted by them up until 1997 in Khartoum. They are trying to expand in three adjacent countries, including Ethiopia, where we want to take a closer view of how the world should be organized into these countries and we are willing to do it by any means. We are even willing to use any means against our own people, against our own people.

They have killed in their own country 2 million people. They have pushed out and dislocated an additional 4 million people. Last year alone, they forced into starvation 100,000 people by denying our food aid to go where these people were located. They said: You cannot fly your relief planes to feed these poor people. Now they continue to bomb their civilian population, even with, if the evidence this week is proved true, chemical weapons.

I think this is so horrifying, I wanted to draw the attention of the Senate to what has been reported by these three news organizations this week and to call on the nation of Sudan to stop bombing its own civilian population, to refuse to do that, to call upon the United Nations, with as much speed and haste as possible, conduct a full investigation of what has been reported this week as having happened to the civilian population, and call upon U.S. authorities to investigate this as fully as we can to see what actually took place. If true, this is truly horrifying, that weapons of mass destruction such as these chemical weapons would be used against their own civilian population. I think it is just absolutely unconscionable, virtually unbelievable.

This is also a government that continues to allow slavery to be conducted on in its country. There have actually been 300,000 people purchased back from their slave masters. As we approach the new millennium, one would think that at least the institution of slavery would be gone from the world. It is not. One would think the use of chemical weapons would be gone from the world today, but it is not.

These things must be investigated to the fullest extent, and if chemical weapons were, indeed, used, the Government of Sudan must be brought in front of the international bodies, the international court of shame, and put in that pariah nation category. They currently, of course, are one of the seven terrorist nations in the entire world that the U.S. Government lists on page 1 as a potential possible use of chemical weapons, as reported this week, takes this to an unbelievable level against its own population.

That is why, even though this is a late hour, I draw this to the attention of this body.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Sessions). The clerk will 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.

TRIBUTE TO CARL BIER SACK, LEGISLATIVE DIRECTOR FOR THE SENATE MAJORITY LEADER

Mr. LOTT. Mr. President, I take this opportunity to recognize and bid farewell to my loyal and trusted advisor, Carl Biersack. Carl is leaving my staff to enter into retirement after 27 years of Federal service, including more than 9 years of outstanding service on my staff.

It is difficult to pay adequate tribute to a man who has done so much for me, for my staff, and for the State of Mississippi and the Nation. Those of you who know Carl know that he gives 110 percent of himself every day, inspiring those around him to do the same.

He is the son of a career U.S. Army officer, Carl graduated from the Virginia Military Institute in 1971. He received his commission as a second lieutenant and served on active duty for over 7 years. So how did I get so lucky, you ask, to add this VMI alumni to my staff? Yes, VMI is where Sigma Nu was founded, but no, this is not the reason!

He is the son of a career U.S. Army officer, Carl graduated from the Virginia Military Institute in 1971. He received his commission as a second lieutenant and served on active duty for over 7 years. So how did I get so lucky, you ask, to add this VMI alumni to my staff? Yes, VMI is where Sigma Nu was founded, but no, this is not the reason!

Mr. President, in 1988, the U.S. Army made Carl the recipient of the prestigious Pace Award. This award, which was named after a former Secretary of the Army, is given annually to one civilian and one member of the military who have demonstrated outstanding service on the Army staff to their nation.

As if receiving the coveted Pace Award was not tribute enough, the award included an opportunity to attend Harvard for a year. Because of family considerations, Carl decided to forgo a move to Boston and instead asked to spend a year as a Capitol Hill fellow. He thought he would learn more useful skills here than at Harvard. He was right. The Army agreed, and he was hired as a fellow in my personal office by my then-Chief of Staff, John Lundy; former Legislative Director Sam Adcock; and Susan Butler, now Chief of Staff for Congressman Chip Pickering.

That's right, Mr. President—I was Carl's second choice. Carl is quick to say that he is an accidental staffer. Someone who did not aspire to work on the Hill but believe this was one of his strengths.

He brought the honor and integrity he learned at VMI, the discipline and dedication of his Army service, and the work ethic of a DOD civil servant to my office.

After his first year, I asked Carl to stay as a permanent member of my staff. Fortunately for me and Mississippi, he did. Now, looking back at his nine years worth of accomplishments, I am amazed that he had grown so accustomed to his daily presence, when asked, I said Carl worked for me for 13 years. Even people downtown think his tenure was about 15 years. His presence and contributions cast a long shadow.

Carl has covered a broad range of issues during his tenure on the Hill ranging from telecommunications to energy, from environment to fish, from oceans and roads to bridges and aviation. While Carl has had the limelight, many of my colleagues recognize his vital role in enacting important legislation. He was a fearless negotiator who frequently found consensus through incremental changes. Often his work was ratified by unanimous consent actions.

During Carl's tenure, he successfully shepherded roughly 25 public laws through the legislative process: Many of these laws moved key industries to competition, such as the Telecommunications Act of 1996, and the Ocean Shipping Reform Act of 1998. Some reformed the way the Government regulates and supports certain industries, such as the ICC Termination Act of 1995, the Maritime Security Act of 1996, and the Amtrak Reform Act of 1997.

Some will shape our Nation's high-tech economy, such as the Y2K Act and the Internet Tax Freedom Act. Others, such as the National Invasive Species Act of 1996, and the Accountable Pipeline Safety and Public Assistance Act of 1996, protect life, property, and the environment from harm.

Then there were bills, like TEA-21, which were vital to maintaining and improving our Nation's infrastructure. And let me not forget, Carl has never sought in facilitating Congress' basic responsibility: authorizing and appropriating funds for Executive departments and agencies.

Carl has been able to accomplish so much as a Senate staff member because of his willingness to work out inclusive solutions to problems. His success can also be attributed to his efforts to remain
an anonymous staffer who avoided the spotlight. He concentrated on results, not personal credit.

Staff on both sides of the aisle were comfortable working with him. He admitted his errors, said he didn’t know when he was wrong, and was generous with his praise for others. He read the material provided by constituents and advocates, returned phone calls, and was accessible. He was the consummate staffer.

Both Senators and staff knew Carl would deal with their concerns fairly, honestly, and professionally. A deal was a deal. His word was respected. This was true both on the Hill and downtown.

Carl was determined to learn all there was to know about Mississippi. He made trips back to the state to visit our catfish farms, pulp and paper plants, national forests and universities. He saw small towns, courthouse squares, toponym telecommunications head offices and military bases. Carl knew that learning about the lives of Mississippians was important to effectively represent the state and its citizens.

Although Carl is from Virginia—often referring to himself as my token non-Mississippian—he was an ardent defender of Mississippi’s interests and people. Mississippians have grown to trust and respect Carl’s devotion to ensuring that Mississippi’s issues and concerns are recognized and included. His adamant support of my home state’s interests has not gone unnoticed by its citizens. Carl was named an honorary citizen of Mississippi and he proudly displayed the certificate.

For years, Carl willingly and voluntarily assumed the role of mentor to new staff members who needed help navigating the complex legislative world. As Legislative Director, he challenged staff to achieve their fullest potential, take risks and learn from their mistakes. There is no doubt that his influence spurred the professional growth made by young, eager staffers, resulting in talented and enthusiastic team players. Carl was always willing to share the lessons he learned the hard way.

There is no overstating how Carl’s selflessness has enhanced the professional and personal lives of the generations of staff who were privileged enough to work with him. He lived by the song’s words, ‘honor above self.’

I know that I am losing a brilliant and effective legislative director, but others tell me that I am losing the man who is teacher, parent and sometimes counselor to those around him. I am quite sure that the rest of my staff will miss him as much as I will.

Carl’s memos and notes were always timely, informative, and accurate. They were frequently entertaining, and sometimes caustic, but his daily paper trail ensured I had the necessary information to deal with the issues and events surrounding legislation. He was not afraid to tell bad news, but he always proposed solutions.

Carl was the king of metaphors. He used them to make a point, to negotiate, and to educate. Still, he was eager to dig into issues and legislation. His determination was his credibility. I do not think I ever saw him without reading material.

Mr. President, it saddens me to see a man of Carl’s caliber depart my staff. He certainly leaves big shoes to fill. For Carl’s selfless and service card dedication to me and the state of Mississippi, I am very grateful.

He is a man who was defined by his family. He always had his priorities straight and he never forgot his family as he fulfilled his commitments to the Senate and Mississippi. His wife, Ann, and his daughters, Katie, Sarah, Olivia, Allyson, and Rebecca, have reason to be proud. I wish Carl Biersack good luck in all of his future endeavors and pray that God may continue to richly bless him and his family.

REINSTATEMENT OF WEST VIRGINIA STATE COLLEGE’S ORIGINAL 1890 LAND-GRANT STATUS

Mr. BYRD. Mr. President, West Virginia State College in Institute, West Virginia, was designated by Congress as one of the original 1890 land-grant schools under the Second Morrill Act. The college was the first 1890 land-grant school to be accredited and has been accredited longer than any other public college or university in West Virginia.

West Virginia was one of six states to establish a new land-grant college, under state control. West Virginia State College faithfully met its duties to the citizens of West Virginia as a land-grant college in an outstanding manner.

However, on October 23, 1956, the State Board of Education voted to surrender the land-grant status of State College (effective July 1, 1957). Historical data suggests that this action was taken in an effort to enhance State College’s ability to accommodate veterans returning home with GI benefits.

In addition, the decision to surrender the land-grant status preceded explicit funding by Congress for land-grant institutions.

For thirty-three years, West Virginia State College has sought to regain its land-grant status. On February 12, 1991, Governor Gaston Caperton signed a bill into law that provided redesignation authority for land-grant status from the State of West Virginia. On March 26, 1994, then U.S. Department of Agriculture Secretary Mike Espy informed West Virginia Governor Caperton that State College would receive a partial land-grant designation that would entitle the college to $50,000 annually under the Second Morrill Act.

It has become clear that additional funding is the issue that must be addressed to re-instate West Virginia State College’s land-grant status. I authored an amendment to the FY 2000 Agriculture Appropriations bill that will provide $2 million in additional funds for 1890 Institution entitlements to be used for base line funding for West Virginia State College. This amendment does not grant full 1890 land-grant funding privileges to State College, but provides a $2 million entitlement. The amendment does not cut into the current 1890 entitlement accounts. It adds additional funding with an offset from the National Research Initiative account.

My amendment provides fair treatment to West Virginia State College, an original 1890 land-grant school, and I thank my colleagues for supporting this provision.

COMMUNITY AND OPEN SPACES BONDS ACT

Mr. HATCH. Mr. President, I rise today as an original cosponsor of the Community and Open Spaces Bonds Act (COSB). This bill provides assistance to our local communities in their continuing efforts to improve the quality of life through flexible, zero-cost financing options for protecting open spaces.

As the acreage of open space in this country continues to decline, we find ourselves in a battle of time against widespread urban sprawl. The American citizens have spoken out, demanding that this body take the action necessary to protect the remaining open spaces and outdoor recreational opportunities that they have enjoyed since the founding of this great nation. The America Farmland Trust estimates that we have been losing farmland at approximately 3,000 acres per day since 1970. This growth is not only damaging to the agricultural industry, but all those who wish to enjoy this nation’s natural bounties.

I believe it is our obligation to respond to and remedy this situation. For this reason, I would like to thank the Senate Committee on Appropriations for taking the initiative in proposing legislation that provides incentives to those private land owning citizens who wish to protect our valuable open spaces. Our proposal makes available up to $1.9 billion annually for five years in bonding authority to state, local, and tribal governments. This voluntary approach allows the local community to lead the charge in projects that will improve the quality of life of its citizens, while the Federal government simply plays a supporting role; I think that is the way to do it.

These community based projects will be supported through proceeds from the sales of the bonds. The issuers would repay the principal at the end of 15 years, but the Federal government would pay the issuers’ interest or borrowing costs through the tax credit during that period. As an incentive, the holder of the bond would get an annual tax credit equal to the corporate average AA bond rating, as posted by the Treasury, multiplied by the face amount of the bond.
This bill will spur even greater innovation than we already see at the local level in dealing with growth and urban sprawl issues. The flexibility of this proposal creates many opportunities in an often limiting system to raise funding for land purchases. We simply want to give local officials tools to do a great job of managing what is entirely local driven, unlike that currently offered by the Federal government. The most dynamic aspect of this bill is that it restores to local governments the power to influence the future of their communities.

The Community Open Space Bonds Act can help respond to the need to protecting our beautiful lands and precious water supply, and I strongly urge my colleagues to join in this fight against the robbing war of time. Action must be taken now, so that our children will enjoy the natural wonders we have come to love.

HOLD UP OF FINAL PASSAGE OF THE MISSING, EXPLOITED AND RUNAWAY CHILDREN PROTECTION ACT

Mr. LEAHY. Mr. President, as I stand here today, we are hours away from beginning a month long recess and we have yet to reauthorize a critically important piece of legislation that protects our nation’s youth. It has been over two months since both the House and Senate have passed S. 249, the Missing, Exploited, and Runaway Children Protection Act, and we have still not voted on final passage.

There is no good excuse for why the Senate has not passed and sent to the President this noncontroversial piece of legislation. I had some minor concerns with the House amended version of S. 249, but after receiving some clarification and assurances on these concerns, I decided that these House additions could be dealt with at later time and help this important piece of legislation from passing. I have cleared the differences on our side of the aisle, but I am afraid I cannot say the same for my colleagues on the other side who continue to hold up final passage of this bill.

The Missing, Exploited, and Runaway Children Protection Act of 1999 reauthorizes programs under the Runaway and Homeless Youth Act and authorizes funding for the National Center for Missing and Exploited Children. Both programs are critical to our nation’s youth and to our nation’s well-being.

In addition to providing shelter for children in need, the Runaway and Homeless Youth Act ensures that these children and their families have access to important services, such as individual, family or group counseling, alcohol and drug counseling and a myriad of other resources to help these young people and their families get back on track. As the National Network for Youth stressed, the Act’s programs “provide critical assistance to youth in high-risk situations all over the country.”

The National Center for Missing and Exploited Children provide extremely worthwhile and effective assistance to children and families facing crises across the U.S. and around the world. In 1998, the National Center helped law enforcement officers locate over 5,000 missing children. The Center serves a critical role as a clearinghouse of resources and information for both family members and law enforcement officers. They have developed a network of hotels and restaurants which provide assistance to parents in search of their children and have also developed extensive training programs.

S. 249 should be passed today. There is absolutely no reason to stall on this legislation, but as we get down to the wire to begin August recess, it looks like we will once again face another delay. We will return to our states and to our constituents who run these crucial programs and we will be unable to tell them that we have protected the children and families access to their services by reauthorizing the Runaway and Homeless Youth Act. I am frustrated once again at the inaction of the Republican majority on this matter and believe that reauthorizing, Exploited, and Runaway Children Protection Act should be passed immediately.

INCERING SATELLITE AND CABLE COMPETITION

Mr. LEAHY. Mr. President, more than 3 years ago, I started raising serious concerns about the need to increase competition between cable and satellite TV providers and the need to allow satellite dish owners to receive local network stations. I felt then, and I feel now, that the best way to reduce the cable and satellite rate increases and to protect satellite dish owners is to have satellite television compete on a level playing field with cable.

I was thus very pleased when, finally, on May 20, the Senate passed a bill that I sponsored, without objection, that protects satellite dish owners and would offer them more television stations. I worked on this bill with the Chairman of the Judiciary Committee, Senator HATCH, and the ranking member of our antitrust subcommittee, Senator MCCAIN, and the Majority Leader of the Senate, Senator LOTT, offered the way to promote head-to-head competition between cable and satellite providers—and lower rates and provide more services for consumers.

In November of 1997, we held a full Senate hearing on satellite issues. Many other Members of Congress have also been concerned about this issue.

The Satellite Home Viewers Improvement Act, S. 247, which I sponsored with the Chairman of the Judiciary Committee, Senator HATCH, the Chairman of the Commerce Committee, Senator MCCAIN, and the Majority Leader of the Senate, Senator LOTT, offered the way to promote head-to-head competition between cable and satellite providers—and lower rates and provide more services for consumers.

In March of last year we introduced a bill that satellite owners were unable to get to the President for signature. That version was reported out of the Judiciary Committee unanimously on October 1, 1998. That bill, as with the bill I am trying to get to the President’s desk this year, was also designed to permit local TV signals, as opposed to distant out-of-state network signals, to be offered to viewers via satellite; to increase competition between cable and satellite TV providers; to provide more PBS programming by also offering a national non-commercial program programming; and to reduce rates charged to consumers.

In the midst of all these legislative efforts, a federal district court judge in Florida found that PrimeTime 24 was offering distant CBS and Fox television signals to more than one million households in the U.S. in a manner inconsistent with its compulsory license that allows them to offer distant network signals. This development further complicated the situation.

Under a preliminary injunction, the satellite service of CBS and Fox networks was to be terminated on October
8, 1998 for thousands of households in Vermont and other states who had signed up after March 11, 1997, the date the action was filed.

I was pleased that we worked together in the Senate Judiciary Committee to avoid these immediate cutoffs of satellite TV service in Vermont and other states. The parties agreed to request an extension which was granted until February 28, 1999. This extension was also designed to give the FCC time to address this problem faced by satellite dish owners.

In December, I sent a comment to the FCC and criticized their proposals on how to define the “white area”—the area not included in either the Grade A or Grade B signal intensity areas. My view was that the FCC proposal would cut off households from receiving distant signals based on “unwarranted assumptions” in a manner inconsistent with the law and the clear intent of the Congress. I complained about entire towns in Vermont which were to be inappropriately cut off when no one could receive signals over the air.

The Florida district court filed a final order which also required that households signed up for satellite service before March 11, 1997, be subject to termination of CBS and Fox distant signals on April 30, 1999, if they lived in areas where they are likely to receive a grade B intensity signal and are unable to get the local CBS or Fox affiliate to consent to receipt of the distant signal.

In another development, further Court and other developments have resulted in cutoffs of thousands of satellite dish owners. This situation is unacceptable, and I will continue to work to fix this problem.

END THE CYCLE OF VIOLENCE IN KOSOVO

Mr. LEVIN. Mr. President, the news out of Kosovo concerning the commission of atrocities against Serbs and Gypsies is deeply troubling.

According to a report released on Tuesday by Human Rights Watch “for the province’s minorities, and especially the Serb and Roma (Gypsy) populations, as well as some ethnic populations perceived as collaborators or as political opponents of the Kosovo Liberation Army (KLA), these changes have brought fear, uncertainty, and in some cases revenge.” The report adds that “The intent behind many of the killings and abductions that have occurred in the province since early June appears to be the expulsion of Kosovo’s Serb and Roma population rather than a desire for revenge alone.”

Mr. President, the massive atrocities committed against the ethnic Albanian population of Kosovo pursuant to Slobodan Milosevic’s ethnic cleansing policy have been appropriately condemned by the international community. The United States and our NATO allies have invested a great deal of resources and put their sons and daughters at risk to stop the atrocities and to reverse the ethnic cleansing. But they did not do so to allow the former victims to commit atrocities against or seek to ethnically cleanse the Serbs and Gypsies.

When I visited Kosovo in the first week of July along with Senator Reed, Landrieu and Sessions, we met with Hashim Thaci, political leader of the KLA and Colonel Agim Ceku, the KLA military commander. We condemned the violence being perpetrated against the civilians and asked them to speak out against the mistreatment of the Serbs. They stated to us they have publicly called for the Serbs to stay and for those who have left to return provided they had not previously committed atrocities.

Mr. President, words are important but deeds are more important. I realize that the KLA is not a highly-disciplined organization and that there are extremists within the KLA who do not answer to either Mr. Thaci or Colonel Ceku. But not all those who are presently committing atrocities are members of the KLA. But Mr. Thaci and Colonel Ceku and other Albanian leaders must do more to bring an end to the cycle of violence in Kosovo.

According to the UN High Commissioner for Refugees, more than 164,000 Serbs have left Kosovo during the seven weeks since Yugoslav and Serb forces withdrew and KFOR entered Kosovo. The number continues to rise. The military troops of the NATO-led KFOR are not trained to be policemen and the enforcement of day-to-day law and order is not and should not be their mission. The United Nations has only deployed about 400 civilian police to Kosovo. The deployment of the international civilian police force to Kosovo must be accelerated. The cycle of violence in Kosovo must stop.

I visited with the ethnic Albanian refugees in the camps in Macedonia and was sickened at their horrific stories of their mistreatment at the hands of the Serbs. I was a strong supporter of the NATO air campaign against Serbia and of the deployment of the NATO-led KFOR. I support the reconstruction of Kosovo and the creation of an autonomous multi-ethnic Kosovo. But none of us, no matter what position we took on other issues involved in NATO’s action in Kosovo, can accept criminal acts against Serbs and Gypsies in Kosovo.

President Clinton and the leaders of our NATO allies won the support of their citizens for the NATO air campaign and subsequent peacekeeping mission in part because it was the humane thing to do. Americans and Europeans alike were deeply upset at the plight of the ethnic Albanian refugees. That support will dissipate if the cycle of violence in Kosovo does not stop.

I call on NATO and the United Nations, the leaders of the ethnic Albanian community in Kosovo, particularly Mr. Thaci and Colonel Ceku, and the law abiding citizens of Kosovo, to act and act now to show their rejection of lawlessness and violence. The cycle of violence must stop.

PESTICIDES AND CHILDREN’S HEALTH

Mr. KENNEDY. Mr. President, this week, the Environmental Protection Agency announced the first major steps under the Food Quality Protection Act of 1996 to protect children from overexposure to two widely used pesticides. Organophosphate chemicals, such as these two pesticides, kill insects by disrupting nerve impulses. Unfortunately, these chemicals have the same effect on humans, and children are especially vulnerable because of their developing bodies and the high proportion of fruits and vegetables in their diets. Effective protection against these two pesticides is an important mission to assess tolerance levels for pesticides that pose the highest risks to children. Much work remains to be done.

Timely and complete implementation of the Act is essential, but we need to know more to assure that all children are protected from the harmful effects of pesticides. I have asked the General Accounting Office to evaluate the technologies that could help immunize, reproductive, endocrine, and neurotoxic effects of pesticides on children. GAO will also report on current research on links between pesticides and child health and disease.

Our children are our greatest natural resource. The goal in passing the Act was to set a strong public health standard to protect them, and EPA has a clear responsibility to implement the Act in accordance with that standard.

LET’S SEEK BALANCE IN REFUGEE FUNDING

Mr. FEINGOLD. Mr. President, I rise today to bring my colleagues’ attention to the plight of refugees in Africa. Just last week we have been reminded yet again of the disparity in the resources provided to assist those in need on the African continent compared to those in Europe. At a briefing to the United States High Commissioner for Refugees (UNHCR) Sadako Ogata outlined some of the desperate problems facing the over 1.5 million refugees the agency currently counts in Africa. These problems are aggravated by a serious shortfall in international funding for UN refugee efforts. By some accounts, only 60% of the UNHCR’s $137
The international response to the refugee crisis in Africa remains woefully inadequate. The situation is made even worse by the disparity between the domesticized offer of European refugees and those offered to support African refugees. As Mrs. Ogata so succinctly noted on July 26, “Undeniably, proximity, strategic interest and extraordinary media focus have played a key role in determining the quality and level of response.” While this may explain why Kosovo has received far greater refugee assistance than have the multiple crises in Africa, it cannot justify that imbalance. The suffering of a family driven from its home or a child wrenched from its family by war is no less because it happens in Africa, away from the media glare and the familiar sources of conflict in Europe.

While I understand that there are necessary limits to the resources available for the millions of refugees in the world, I believe we should render our precious contribution to humanitarian assistance in a fair and balanced manner. As I have said many times on this floor—Kosovo is not Sudan, Sierra Leone or Rwanda? To those who will cite our “strategic” interests in Europe, I respond that I believe our “moral” interests are also critically important to this nation’s standing in the world.

I appreciate the State Department’s announcement of an additional mid-year $11.7 million contribution to the UNHCR’s general program, of which $6.6 million was designated for Africa. This is a good start, but it still falls far short of what Africa needs and what Europe gets. It does not please me to have to highlight the regional disparity in refugee assistance. But I believe it is important for the Senate to on record in strong support of a fair and balanced effort to meet the needs of refugees throughout the world.

**STATE SOVEREIGN IMMUNITY FROM INTELLECTUAL PROPERTY LAWSUITS**

Mr. SPECTER. I was surprised by the three decisions of the Supreme Court of the United States on June 23, 1999 which drastically reduced the Constitutional power of Congress and even more surprised by the lack of reaction by Members of the House and Senate to this usurpation of Congressional authority. [College Savings Bank v. Florida Prepaid 1999 U.S. LEXIS 4375, Florida Prepaid v. College Savings Bank 1999 U.S. LEXIS 4376 and Allen v. Maine, 1999 U.S. LEXIS 4374.]

Even though ignored by the Congress, these decisions have been roundly criticized by the academicians. Stanford University historian Jack Rakove, author of “Original Meanings”, a Pulitzer Prize winning account of the drafting of the Constitution, characterizes Justice Kennedy’s historical argument in *Allen v. Maine* as “strained and untenable”.

Professor Rebecca Eisenberg of the University of Michigan Law School, in commenting on Florida Prepaid Post-secondary Education Expense Board versus College Savings Bank, said: “The Court’s majority has embarked on a judicial departure from long-standing law. Former Solicitor General Walter Dellinger described these cases as: ‘one of the three or four major shifts in constitutionalism we’ve seen in two centuries.’

A commentary in *The Economist* on July 3, 1999 emphasized the Court’s radical departure from existing law stating: ‘The Court’s majority has embarked on a venture as detached from any constitutional moorings as was the liberal Warren Court of the 1960’s in its most activity mood.

In two opinions in College Savings Bank versus Florida Prepaid and Florida Prepaid versus College Savings Bank, the Court held that the doctrine of sovereign immunity prevents states from being sued in Federal court for infringing intellectual property rights. In reaching these decisions, the Court discussed and dismissed two laws passed by Congress for the specific purpose of subjecting the states to suits in Federal Court: the Patent Remedy Act and the Trademark Remedy Clarification Act.

These decisions leave us with an absurd and untenable state of affairs. Through their state-owned universities and hospitals, states participate in the intellectual property marketplace as equals with private companies. The University of Florida, for example, owns more than 200 patents. Furthermore, such universities are major consumers of intellectual property and often violate intellectual property laws when, for example, they copy textbooks without propriety authorization. But two, Florida and all other states will enjoy an enormous advantage over their private sector competitors—they will be immune from being sued for intellectual property infringement. Since patent and copyright infringement are exclusively Federal causes of action, and trademark infringement is largely Federal, the inability to sue in Federal court is, practically speaking, a bar to an address at all.

The right of states to sovereign immunity from most Federal lawsuits is guaranteed in the Eleventh Amendment to the constitution, which provides that: “The Judicial Power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any foreign state.

It has long been recognized, however, that this immunity from suit is not absolute. As the Supreme Court noted in one of the Florida Prepaid opinions, the Court has recognized two circumstances in which an individual may sue a state:

First, Congress may authorize such a suit in the exercise of its power to enforce the Fourteenth Amendment—an Amendment enacted after the Eleventh Amendment and specifically designed to alter the federal-state balance. Second, a state may waive its sovereign immunity by consenting to suit. See, *College Savings Bank versus Florida Prepaid* at 7.

Congress’ power to enforce the Fourteenth Amendment is contained in Section Five of the Fourteenth Amendment, which provides that: “Congress shall have power to enforce, by appropriate legislation, the provisions of this article.” One of the provisions of the Fourteenth Amendment, Section One, provides that no State shall “deprive any person of . . . property . . . without due process of law.” Accordingly, Congress has the power to pass laws to enforce the rights of citizens not to be deprived of their property—including their intellectual property—without due process of law. By using this power, Congress has specifically designed to alter the federal-state balance. Section Five of the Fourteenth Amendment, Congress passed the Patent Remedy Act and the Trademark Remedy Clarification Act in 1992. As its preamble states, Congress passed the Patent Remedy Act to “clarify that States . . . are subject to suit in Federal court by any person for infringement of patents and plant variety protections.” Congress passed the Trademark Remedy Clarification Act to subject the States to suits brought under Sec. 43 of the Trademark Act of 1946 for false and misleading advertising.

In Florida Prepaid versus College Savings Bank, the Court held in a 5 to 4 opinion that Congress did not validly abrogate state sovereign immunity from patent infringement suits when it passed the Patent Remedy Act. In an opinion by Chief Justice Rehnquist, the Court reasoned that in order determine whether a Congressional enactment validly abrogates the States’ sovereign immunity, two questions must be answered: “first, whether Congress has unequivocally expressed its intent to abrogate the immunity . . . and second...
whether Congress has acted pursuant to a valid exercise of power.

The Court acknowledged that in enacting the Patent Remedy Act, Congress made its intention to abrogate the States' immunity unmistakably clear in its passage of the Fourteenth Amendment. The Court then held, however, that Congress had not acted pursuant to a valid exercise of power when it passed the Patent Remedy Act. The Court wrote that Congress' enforcement power under the Fourteenth Amendment is "remedial" in nature. Therefore, "for Congress to invoke Section 5 it must identify conduct transgressing the Fourteenth Amendment's substantive provisions, and must tailor its legislative scheme to remedying or preventing such conduct." Florida Prepaid versus College Savings Bank at 20.

The court found that Congress failed to identify a pattern of patent infringement by the States, let alone a pattern of constitutional violations. The Court specifically noted that a deprivation of property without due process could occur only where the State provides inadequate remedies to injured patent owners. The Court then observed that:

Congress, however, barely considered the availability of state remedies for patent infringement and hence whether the States' conduct might have amounted to a constitutional violation under the Fourteenth Amendment. * * * Congress itself said nothing about the existence or adequacy of state remedies in the statute or in the Senate Report, and made only a few fleeting references to state remedies. * * *" Florida Prepaid versus College Savings Bank at 27-28.

Accordingly, the Court concluded that:

The legislative record thus suggests that the Patent Remedy Act does not respond to a history of widespread and persisting deprivation of patent rights or that Congress has faced in enacting proper prophylactic Section 5 legislation. Instead, Congress appears to have enacted this legislation in a haphazard and in some instances of state patent infringement that do not necessarily violate the Constitution.) Florida Prepaid versus College Savings Bank at 31-32.

Not only is the result of this opinion troubling—that states will enjoy immunity from suit—but so is the reasoning which supports this result. Here we have a Chief Justice of the Supreme Court choosing to ignore an act of Congress passed by a Congress which had concluded that Congress had not sufficiently considered this issue: six judges, the majority held that the FCC had acted illegally by not taking into account the competitive nature of the market. The FCC had acted in a manner that was contrary to Congressional intent. The Court noted that the FCC had been required to consider the competitive nature of the market and had failed to do so. The Court held that the FCC had acted illegally and remanded the case for further consideration.

The Communications Decency Act contains provisions that were either added in the House of Representatives or in the Senate. The provision that is most controversial is the so-called "cybersex" provision. The provision was added to the House bill and was included in the Senate bill. The provision was intended to prevent the transmission of "indecent" or "patent" communications. The provision was challenged in Reno v. ACLU, 521 U.S. 844 (1997). The Court struck down the Communications Decency Act because it was not a valid exercise of power when it passed the Patent Remedy Act. The Court then held that the FCC had acted illegally by not taking into account the competitive nature of the market. The FCC had acted in a manner that was contrary to Congressional intent. The Court noted that the FCC had been required to consider the competitive nature of the market and had failed to do so. The Court held that the FCC had acted illegally and remanded the case for further consideration.

The Court then discussed whether Florida's sovereign immunity, though not abrogated, was voluntarily waived. Here, the Court expressly overruled its prior decision in Parden v. Terminal R. Co. 377 U.S. 184 (1964) and held that there was no voluntary waiver. In Parden the Court had held that a state could be held to have voluntarily waived its immunity to suit by engaging in certain activities, such as voluntary participation in the conduct Congress has sought to regulate. Since Congress has sought to regulate interstate commerce, then a state which participated in interstate commerce by registering and licensing patents would be held to have voluntarily waived its immunity in infringement suit. By overruling Parden, however, the Court held that a voluntary waiver of sovereign immunity must be expressed. Florida made no such express waiver of its sovereign immunity.

In other relatively recent cases, the Court has gone out of its way, almost on a personal basis, to chastise and un

The Court contrasts these rights with the hallmarks of a protected property interest, namely the right to exclude others. Justice Scalia's rationale shows how hard it is to conceive of what is business property. That Scalia rationale shows how hard it is to conceive of what is business property. The Court then discussed whether Florida's sovereign immunity, though not abrogated, was voluntarily waived. Here, the Court expressly overruled its prior decision in Parden v. Terminal R. Co. 377 U.S. 184 (1964) and held that there was no voluntary waiver. In Parden the Court had held that a state could be held to have voluntarily waived its immunity to suit by engaging in certain activities, such as voluntary participation in the conduct Congress has sought to regulate. Since Congress has sought to regulate interstate commerce, then a state which participated in interstate commerce by registering and licensing patents would be held to have voluntarily waived its immunity in infringement suit. By overruling Parden, however, the Court held that a voluntary waiver of sovereign immunity must be expressed. Florida made no such express waiver of its sovereign immunity.

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The Court repeats its critique of Congressional action in the case of Reno v. ACLU, 521 U.S. 844 (1997). Here the Court struck down the Communications Decency Act, which prohibited transmission to minors of "indecent" or "patent" offensive communications. The provision was challenged in Reno v. ACLU, 521 U.S. 844 (1997). The Court struck down the Communications Decency Act because it was not a valid exercise of power when it passed the Patent Remedy Act. The Court then discussed whether Florida's sovereign immunity, though not abrogated, was voluntarily waived. Here, the Court expressly overruled its prior decision in Parden v. Terminal R. Co. 377 U.S. 184 (1964) and held that there was no voluntary waiver. In Parden the Court had held that a state could be held to have voluntarily waived its immunity to suit by engaging in certain activities, such as voluntary participation in the conduct Congress has sought to regulate. Since Congress has sought to regulate interstate commerce, then a state which participated in interstate commerce by registering and licensing patents would be held to have voluntarily waived its immunity in infringement suit. By overruling Parden, however, the Court held that a voluntary waiver of sovereign immunity must be expressed. Florida made no such express waiver of its sovereign immunity.

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The Court in Reno later notes that, "The lack of legislative attention to the statute at issue in Sable suggests another parallel with this case."

Once again, if Congress passes a law, by what authority does the Supreme Court conclude that we did not devote sufficient legislative attention to the law? In the Reno opinion itself the Court noted that some Members of the House of Representatives opposed the Communications Decency Act because they thought that less restrictive screening devices would work. These members offered an amendment intended as a substitute for the Communications Decency Act, but instead saw their provision accepted as an additional provision of the act. In light of this record, how can the Court say that Congress did not consider less restrictive means?
A recent trend in Supreme Court decisions, highlighted by these three cases, shows an activist court with a political agenda determined to restructure political power in America away from Congress and to the states. What is Congress to do? We could exercise great care in the confirmation process, but that is hardly the answer. Supreme Court nominees in Senate confirmation hearings routinely promise to respect Congressional authority and not to make new law. Once on the Court, however, the justices ignore those commitments.

The decision in Florida Prepaid versus College Savings Bank leaves a slight opening for Congress to legislate again under Article 5 of the 14th Amendment to narrowly tailor a legislative approach to satisfy the Court. Given the intensity of the Court's agenda and its inventive and extreme rationales for declaring Congressional actions unconstitutional, it is highly doubtful that anything the Congress does will satisfy the Court in its current campaign.

Congress may have to initiate a constitutional amendment to re-establish its legitimate authority. Before these three cases, it was unthinkable that Congress' authority over trademarks, patents and copyrights would have been undercut by a doctrine of state sovereign immunity. How could that be in the face of the provisions of Article I, Section 8 granting the Congress power over trademarks, copyrights by its enumerated powers, patents and copyrights by its enumerated powers, and exclusive authority over trademarks, copyrights by its enumerated powers. To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

These important issues merit immediate and extensive consideration by the Congress. Perhaps a constitutional amendment is the only way to reinstate the balance between the authority of the Congress and the usurpation by the Supreme Court.

Recognizing the Work of the National Committee to Preserve Social Security and Medicare

Mr. Kennedy. Mr. President, with the announcement of his proposal to modernize and strengthen Medicare, President Clinton has demonstrated that we can achieve needed Medicare reform without compromising our clear commitment to the fundamental principles of that basic and highly successful program. Our goal is to preserve and strengthen Medicare, so that it effectively meets the needs of all senior citizens in the years ahead, as it has done so well for the past thirty-four years.

Above all, we must reject any proposals that undermine the ability of senior citizens to obtain the health care they need, or that attempt to transform Medicare into a voucher program, as the Medicare Commission's recommendations and other premium support plans do. Such proposals are risky schemes. They abandon Medicare's successful social insurance compact, and current guarantee of a defined benefit. Premium support proposals could price conventional Medicare and force senior citizens to join HMOs. They threaten to compromise the quality of care and reduce access to care. That is unacceptable to senior citizens, and it should be unacceptable to members of Congress. The proposals of hard-working organizations dedicated to the well-being of senior citizens. I welcome this opportunity to comment on one such group—a distinguished public interest organization that works effectively to protect the interests of senior citizens and ensure fairness in Medicare reform. The National Committee to Preserve Social Security and Medicare is a major leader in the national effort to protect and strengthen both Social Security and Medicare. I commend the Committee and its members for their commitment and their leadership, and I look forward to working closely with them in the critical weeks and months ahead to achieve the great goals we share.

The Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999

Mr. BYRD. Mr. President, last night, the U.S. House of Representatives passed the conference report to H.R. 1664, the bill containing the Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan programs, by a vote of 246 yes to 176 nays. H.R. 1664 was passed by the Senate on June 18, 1999.

The steel and oil and gas loan guarantee programs will provide qualified small oil and gas producers with access to a $1.5 billion GATT-legal, revolving loan guarantee fund to back loans through the private market. A board of the highest caliber—consisting of the Chairman of the Board of Governors of the Federal Reserve System, who will serve as the Chair, the Secretary of Commerce, and the Chairman of the Securities and Exchange Commission—will oversee the programs. These distinguished board members will ensure that the guarantee process, including actions needed by U.S. steel mills and oil and gas producers to secure a financial recovery along with a reasonable prospect for repayment of the federally guaranteed loans. The loan guarantee programs are written to provide the board members with the flexibility necessary to offer the maximum benefit to U.S. steel and oil and gas businesses and the maximum protection to the taxpayers.

The passage of H.R. 1664 is a vital measure for both the U.S. steel industry and the oil and gas industry, and it was a personal pleasure for me to work with the fine Senator from New Mexico, Mr. Domenici, on this important legislation. I authored the steel loan guarantee provisions, while my good friend Senator Domenici authored the provisions for oil and gas. After several long nights, some tough negotiations, and countless consultations, H.R. 1664, a bill that joined our two programs, will deliver critical assistance to hard working Americans. H.R. 1664 is, indeed, a "buy American bill." But, more importantly, the passage of H.R. 1664 is a vote of confidence for American workers and American families.

Passage of H.R. 1664 is an important statement by this Congress in support of the men and women in the U.S. steel industry. These workers have played by the global trade rules only to find themselves cheated by our trading partners who ignore the rules in order to maximize their own profits. Illegal imports, which have caused difficulties for the U.S. steel industry and the U.S. steel industry deserves the benefits provided under H.R. 1664. Those benefits simply will provide essential loan guarantees to address the crisis created by the historic surge of cheap and illegal steel. They are vital to the future viability of many, many steel jobs.

The historic level of illegally dumped imported steel is a national crisis. The record levels of these foreign imports have caused over 10,000 thousand U.S. steelworkers to experience layoffs, short work weeks, and reduced pay. American steel communities have suffered from reduced shipments, significant drops in orders, price depression, lower profits, and worse. Already, at least six U.S. steel manufacturers have filed for Chapter 11 bankruptcy protection, jeopardizing employees, families, and entire communities. This steel loan guarantee program can help to prevent further bankruptcies, and provide vitally important support for the survival of small- and medium-sized steel manufacturers.

Steel communities are proud of their role throughout this nation's history. Through the work of men and women in places like Weirton, West Virginia, and Pittsburgh, Pennsylvania, the backbone of this nation was forged. Steel has always been a driving force in the growth and prosperity of our nation.

I applaud the action by this Congress in passing H.R. 1664. It was the right thing to do. I urge the President to quickly sign the bill into law. These loan guarantee programs will operate through the private market to help sustain good-paying jobs, support our military, and stabilize the oil and gas industry. In the fiscal year 1999, the Congress appropriated over $400 million and millions of dollars from lost tax revenues and increased public assistance payments.

Mr. Domenici. Mr. President, I say to Senator Byrd, in both the steel and gas loan guarantee programs, the legislation provides that loan guarantees may be issued upon application of the prospective borrower
(section 101(g) for the Steel Loan Guarantee Program and section 201 (f) for the Oil and Gas Loan Guarantee Program). Ordinarily, the applicant for a loan guarantee is the prospective lender. Am I correct in assuming that that would be true under these programs, and that the true intent of the language in the legislation is that the prospective lender is the applicant?

Mr. BYRD. Yes, the Senator from New Mexico is correct in that assumption. It will be the lender that obtains the direct benefits of a loan guarantee, and it is the prospective lender that will be required to submit necessary application materials for the guaranty. The prospective borrower will, of course, also have to submit information and other material as part of the application for a loan guarantee, but under each program it is the lender with whom the Loan Guarantee Board will have its legal relationship. Therefore, it is the prospective lender that will be responsible to supply for assistance under these programs.

Mr. DOMENICI. It is possible that under each of these programs there may be many, many eligible firms—more under the Oil and Gas Loan Guarantee, potentially a high number under the Steel Loan Guarantee Program, as well—particularly as there is no “floor” or minimum amount of loan that may be guaranteed. Would the Loan Guarantee Boards have the discretion to establish priorities and criteria for the consideration of applications and award of guarantees, so that projects could be considered in an orderly manner, and there could be a proper mix of loan risks, to maximize the effectiveness of the programs within the amount appropriated for program costs?

Mr. BYRD. The Loan Guarantee Boards would absolutely have that discretion. The clear intent of this legislation is to facilitate the guarantee of loans up to $1.5 billion of loans under the two programs. There is no requirement for first-come, first-served among applicants. The Boards may impose additional reasonable requirements for participation in the programs. It is, indeed, our intent to look to the judgment and expertise of the administering agencies, the experience and competence of professional advisors, and the wisdom and common sense of the Loan Guarantee Boards themselves to make these programs run effectively. It is not our intent to hamstring the Boards in determining their priorities and procedures; rather, we expect the Boards to implement these programs as to ensure the fulfillment of the Congressional purpose.

Mr. DOMENICI. I note that the legislation requires the Loan Guarantee Boards to establish procedures, rules and regulations, but appropriates money to the Department of Commerce to administer the programs. Am I correct in assuming that this is because the Boards themselves are not expected to actually administer the programs, but only to adopt rules and procedures, and approve guarantees and amendments? And am I correct in further assuming that, subject to the direction of the Loan Guarantee Boards, the Department of Commerce is expected to prepare proposed rules and procedures for the program; on behalf of the Boards, publish regulations in the Federal Register; process applications for guarantees; and undertake the day-to-day administration of the program?

Mr. BYRD. Yes, those are correct assumptions. While the Boards will have the ultimate decision-making responsibilities, and will take the actions directed by the legislation, as a practical matter they are not expected to handle the day-to-day work of administering loan guarantee programs. That will be handled through the Department of Commerce, using its own staff, contracting for the consultants and other services, or through agreements with another Federal agency.

Mr. DOMENICI. Many qualified steel companies are currently in bankruptcy, or have existing debt with covenants in those investments that provide for seniority for such existing debt. Are the guarantees to be unencumbered? Is it not the intent of this legislation to give the Board the discretion to use its professional judgment to determine the nature, kind, quality and amount of security required for a loan guarantee?

Mr. BYRD. That is correct. The Board has the flexibility to use a combination of factors, including prospective earning power, in determining loan security terms and conditions.

Mr. DOMENICI. I note that the legislation in section 101 (j), appropriates $5 million to the Department of Commerce, for necessary expenses to administer the Steel Loan Guarantee Program. Similarly, in section 201 (f), $5 million to the Department for necessary expenses to administer the Oil and Gas Loan Guarantee Program. In each case, the legislation provides that the appropriation, “may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.” The operative word here is “may.” Do I correctly assume that the Secretary of Commerce has the discretion to determine where funds provided for under these programs can be most effectively administered?

Mr. BYRD. That is an accurate assumption. The Secretary is authorized under the legislation to assign administration of the programs as he sees fit, to accomplish their effective administration.

Mr. DOMENICI. I ask whether the full faith and credit of the United States will stand behind the guarantees to be executed by the Loan Guarantee Boards. This is, of course, an important matter for prospective lenders, determining perhaps at what interest rates a guaranteed loan would be made, or indeed whether a loan would be made at all. Am I correct in my assumption that although the bill does not specifically say so in so many words, the full faith and credit of the United States will in fact stand behind the loan guarantee programs?

Mr. BYRD. My good friend from New Mexico is correct. Under this legislation, the full faith and credit of the United States will, in fact, stand behind each loan guarantee executed by the Loan Guarantee Boards. There is no requirement that the legislation specifically so say. Lenders may participate in this program with confidence, and should therefore offer the borrowers the very best terms—including low interest—on the guaranteed loans.

Mr. DOMENICI. This is indeed important legislation, but I ask whether regulations promulgated to implement the legislation would be a “major rule” as that term is used in the Congressional Review Act (5 U.S.C. § 804). Generally, any rule that has a $100 million effect on the economy in a single year is considered to be a major rule, and cannot go into effect until 60 days after the rule is submitted to Congress for review and possible disapproval. But, if the regulations are considered a major rule, delaying their effect would appear to be inconsistent with the language and intent of the legislation. Once regulations promulgated under this legislation are written, cleared by OMB, filed with Congress, and published in the Federal Register, I assume they would go into effect right away. Is this correct?

Mr. BYRD. Yes, that assumption is accurate. Any rule issued to implement this program could be considered a “major rule” under the Congressional Review Act, and subject to the delayed effective date. However, the legislation itself recognizes the urgency of the programs: section 101(1) provides that the Steel Loan Guarantee Board “shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.” Identical language appears for the Oil and Gas Loan Guarantee Board, section 201(k). Due to this urgency, we expect the Administration to apply the provisions of the Congressional Review Act which allow even a major rule to go into effect without delay, consistent with the public interest.

FIFTIETH ANNIVERSARY OF THE DARLINGTON MOTOR SPEEDWAY

Mr. THURMOND. Mr. President, nestled in the flat, hot tobacco country of South Carolina’s Pee Dee region is an egg-shaped track that is one of the most revered spots in all of auto racing, the Darlington Raceway. As I am very familiar with NASCAR, I tell you, for 50 years this September, the Darlington Raceway has not only been home to the most exciting race in motor sports, the
August 5, 1999

CONGRESSIONAL RECORD — SENATE

S10363

"Southern 500", it has also earned the ominous and accurate nickname as the track "too tough to tame".

For five decades, people from around the world have traveled to this otherwise quiet city in order to be spectators to the art of driving and mechanical skill. The atmosphere is festive, with the infield and stands packed with capacity with racing enthusiasts who are willing to brave the cruel heat, stifling humidity, and unrelenting sun. In order to see who that driver is able to prove that his mettle is equal to the asphalt and curves that make-up this 1.36 mile track. In 1950, the year of the first race, 25,000 people turned out as spectators, this year, there will be more than 100,000 race fans at Darlington, and millions more around the globe will follow the action on radio or television. That is a testament to both the popularity of NASCAR and the respect that the Darlington Raceway has among drivers and race fans.

To those who have never made it to Darlington, it might be hard to understand the attraction of this sport, but for those of us who have witnessed this race it is no surprise why people love to go to this track. There is something truly awe inspiring about standing close to one of the turns at Darlington and watching stock cars engineered and built to the ultimate standard, as they race to the first to finish the 500 grueling miles that must be completed in order to win the "Southern 500". These cars rumble past at well over 100 miles-per-hour with only inches between bumpers, and as they go through one of the four turns of the track, the earth literally shakes under one's feet and the air is thick with the deafening roar of engines and the fumes of high performance fuel. It takes individuals of tremendous mechanical skill to put one of these cars on the track, and members of incredible determination, skill, and grit to compete in these races. One cannot help but come away amazed at the abilities of these drivers and crews, or at the challenge the Darlington Raceway presents to these individuals.

In 1950, I was serving in my final year as Governor of the State of South Carolina, and on September 1st of that year, I had the distinct honor and privilege of cutting the ribbon that opened the Darlington Motor Speedway. Nothing would give me greater pleasure than to be able to celebrate the golden anniversary of the opening of the Speedway in person, but regrettably my schedule does not permit me to be in Darlington early next month. Instead, I have chosen to take to the Senate Floor to salute the vision of Harold Brasington, the man who built the Darlington Speedway. I also want to salute Jim Hunter, President of Darlington Raceway; Bill France, Jr., the President of International Speedway Corporation, as well as the President of NASCAR; and most importantly, to express my greetings and well wishes to all the drivers, crew, and fans who will descend there on September 5, 1999 to see who will tame this track.

THE FEDERAL RESEARCH INVESTMENT ACT

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for S. 296, the Federal Research Investment Act, which was introduced earlier this year by Senators FRIST and ROCKEFELLER, and was reported favorably by the Commerce Committee earlier this month. This legislation is important for the future of the nation’s economy and our competitive position in the global marketplace.

A key ingredient in the continued success and growth of our economy is federal investment in research and development. Much of America’s technological innovation and competitiveness in the past has been stimuated by federal R&D expenditures, and we need to continue to strengthen these investments as a top national priority.

The results of this public-private partnership are all around us. They include the technology used in the telecommunications industry, commercial satellite communications, integrated circuitry, the Internet, satellite-based global navigation and communications, and supercomputers.

The Act calls for doubling the federal non-defense science budget over the next ten years. As a share of GDP, federal investment in R&D now stands at about half what it was 30 years ago. This share is projected to continue to fall under the current budget caps. Clearly, a strong commitment is needed for investment in R&D funding for basic sciences. Without a strong commitment, the worsening imbalance in R&D funding will have a negative impact on the economy and the nation’s competitive position.

I strongly support the effort to double the federal R&D budget. It is one of the most effective ways to ensure the continued prosperity of our nation. It is imperative that we continue making these investments which have made Massachusetts and many other states renowned for their innovative leadership. We must continue and enhance, not cut back, on these needed investments.

I commend Senator ROCKEFELLER and Senator FRIST for their leadership and vision on this critical piece of legislation, and I urge my colleagues to join in supporting this important Act.

Mr. ROCKEFELLER. Mr. President, I would like to join Senators FRIST and LIEBERMAN and other distinguished colleagues to commend the Senate for passing the Federal Research Investment Act. This legislation will set a long-term vision for federal funding of research and development programs so that America’s companies can continue to be the world leader in the research and innovation upon which our high-tech industry is based.

One only needs to look as far as the front page of the newspaper to see the effect of high-technology on our country. New drugs are becoming available for fighting cancer; new communication hardware is allowing more people to connect to the Internet; alternative fuel vehicles. According to a 1998 National Science Foundation study, over seventy percent of all patents applications in America cite non-profit or federally funded research as a core component to the innovation being patented. Even at IBM, an industry leader in R&D, only 21 percent of its patent applications were based on company research. People are living longer, with a higher quality of life, in a better economy due to processes, procedures, and equipment which are based on federally funded research.

New technologies and products do not appear out of thin air. They are the result of a basis of research which has been built up by researchers supported by federal funding. American companies draw from this knowledge base in developing the high-tech products which you and I read about in the newspapers or see on our store shelves everyday.

I view this knowledge base as an investment. The US government puts in modest amounts of funding in the form of support for scientific research. The dividends that result from economic growth which is produced as this knowledge is turned into actual products by American companies.

A large part of the current rosy economic situation is due to these high-tech industries. High-tech companies are responsible for one-third of our economic output and half of our economic growth. Alan Greenspan has said that new technologies are primarily responsible for the nation’s phenomenal economic growth and long-term economic performance, low inflation, high corporate profits and soaring stock prices. If we want continued economic growth, we therefore need to support the fundamental, pre-competitive research critical to these industries, at the necessary levels, and in a stable manner from year to year—and we need to do so now.

Just three years ago, federal science funding was in a serious decline and spent less than half a percent of the revenues of Congress gave it any attention. Now the connection between a healthy research enterprise and our nation’s strong economic growth is widely understood. In the last two years the science budget has increased above inflation. In particular, for Fiscal Year 1999, an unprecedented 10 percent increase in civilian R&D funding was appropriated. Yet, somehow we appear to be once again in a situation where the future outlook for R&D funding is either declining, stagnating, or barely keeping pace with inflation. We must not only pass the Federal Research Investment Act, but we must continue
our fight to actually implement the R&D budgetary guidelines set forth in this bill.

Finally, let me just say that one of the original reasons that I became involved in technology issues, such as the EPSCoR and EPSCoT programs, was because I believe that technology should be shared by everyone, not just those in Silicon Valley or the Route 128 corridor in Massachusetts. Therefore, this bill should be seen as a means of allowing for diversity in our national innovation infrastructure—research must be allowed to flower in Montana, Alaska, West Virginia as well as the traditional centers of science.

In conclusion, we have put together a long-term vision for federal R&D funding which we hope will lead to real increases in federal funding for research and development. Federally funded research has been, and will continue to be, a driving power behind our economic success. If we are to maintain and enhance our current economic prosperity we must make sure that research programs are funded at adequate levels in a consistent long-term manner.

I thank my colleagues for their support of this bill and ask unanimous consent that both my comments and the news article from the Wheeling News-Register, “Congress Must Act to Ensure That Vital Research Doesn’t Lapse in U.S.,” be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

(From the Wheeling News-Register, Tuesday, May 11, 1999)

CONGRESS MUST ACT TO ENSURE THAT VITAL RESEARCH DOESN’T LAPSE IN U.S.

(By Erich Bloch and Charles M. Vest)

Our nation is currently enjoying the longest period of sustained economic growth since World War II. Much of this growth is driven by competition and commercial rewards for innovative companies that use new technologies to develop new products and services. These new technologies are possible only because of the nation’s investment in research. Basic scientific and engineering research funded by the federal government and conducted at America’s public and private universities is of particular importance. University research led to the laser, fiber optics and the Internet, which make the modern computing and telecommunications industries possible. It also discovered recombinant DNA techniques that have fueled the biotechnology industry, and made most of the advances of modern medicine.

The private sector also funds and conducts important research. Indeed, in many instances it took both government and industry funding to achieve the decisive result. The private sector’s primary function is to advance technology and translate basic scientific knowledge into commercially useful devices and systems. But here too, the federal government has a critical role: it must provide a policy and regulatory framework that encourages and rewards private investment in research.

Although nearly all analysts agree that our strong economy is driven by research, we are not promoting and investing in new research at an acceptable level in either the public or the private sector. This puts our future economy at substantial risk. Despite Washington’s proclivity for slowing the growth of basic research funding, even in this time of record economic growth and increased tax revenues, this risk is being noted. Last year, for instance, both the House and Senate took major steps towards addressing their obligation in this regard.

The House of Representatives, taking its lead from Rep. Vernor Ehlers, a physicist and vice chairman of the Science Committee, unanimously approved key principles for federal investment in research. The Senate unanimously passed a bill promoting federal investment in research and development. These two congressional actions, together with a host of independent reports on investment in research, established a momentum that must be embraced and accelerated by the new Congress.

But Washington memories are short. Many a good idea has gotten buried between the end of one Congress and the start of a new one. Let’s make sure this is not happening in this case. Despite the pressure that balancing the budget puts on Congress, we need to stay on the course that has proven to be so effective.

There is plenty of disagreement about the details of how U.S. science and technology policy should move forward. However, we wish to point to four recommendations of the House Science Committee’s report that are especially worthy of strong bipartisan support in the 106th Congress.

First, Congress should give high priority to stable and substantial federal funding for fundamental scientific research. Federal support of fundamental research has declined as a percentage of gross domestic product during this decade. It is both ironic and frustrating that our research base has not benefited from the very economic expansion it helped to create.

Second, the federal government should invest in fundamental research across a wide spectrum of disciplines in science, mathematics, and engineering. The seamlessness of science and technology and the interrelation of their many fields are demonstrated every day. For example, magnetic resonance imaging devices (MRIs), which have become life-saving diagnostic tools in the medical professions, have their roots in physics, chemistry, mathematics, and electrical engineering.

Third, an increased focus on partnerships is needed. University-industry partnerships, government-industry partnerships, and three-way efforts are required today because of the complicated relationship between research and the needs and constraints of each sector.

Finally, the policy environment for research must be improved. The Research and Experimentation Tax Credit must be strengthened and made permanent. This credit has been on again, off again during the past 15 years, despite its effectiveness in stimulating private industry to invest in R&D.

As this point in the federal budget process, there is real danger that an expanded federal commitment to scientific research—a goal unanimously supported by Congress last year—may fall victim to larger political battles. Congress should and must ensure that R&D, especially fundamental research, receives the priority it deserves and that partnerships between government, academia, and the private sector are given a chance to succeed.

Mr. LIEBERMAN. Mr. President, I rise to praise S. 296, the Federal Research Investment Act of 1999, legislation designed to reverse a downward trend in the Federal Government’s allocation to science and engineering research and development (R&D). S. 296 authorizes a 5.5% increase in funding per year for federally funded civilian R&D programs, three times the future of individual agencies, such as the National Institutes of Health or the National Science Foundation, remains with the authorizing committees, the bill establishes a long term commitment to sustaining the aggregate research and development portfolio during the annual budget cycle. The bill also puts in place a number of review and accountability measures to assure the public and Congress that, each year, the R&D funds are well spent. I am pleased to report that S. 296 passed the Senate last week, on July 28, 1999, by unanimous consent. It had 41 cosponsors, above equally divided between the two parties, including the Majority and Minority leaders. The magnitude of support for this bill reflects the growing realization that technological progress is the single largest factor, bar none, in sustaining economic growth.

Today we find ourselves in a “New Economy.”’’ Everything about it defies conventional wisdom. Our unemployment rate is extremely low, but at the same time, our interest rates are low. The boom itself keeps going, defying expectations. In fact, the current economic boom is soon to be the longest one in our nation’s history. Even our national debt has fallen far faster than economists had ever predicted it could. In retrospect, these happy miscalculations reflect a flaw in economic growth theory. Conventional economic wisdom at first underestimated the strength and depth of our New Economy because it ignored the substantial productivity gains generated by advances in technology, in this particular information technology. However, had we paid attention to history, we would have known better.
Almost a dozen major economic studies, including those of Nobel Prize laureate Robert Solow, have tracked economic growth over prior decades. These studies found that in every time period studied, approximately half of all economic growth was due to technological progress. The preponderance of the evidence provided by these economic studies has led Alan Greenspan to note in many of his recent speeches that in addition to the traditional forces of labor and capital, a very substantial portion of economic growth is now recognized to be due to technological innovation and the productivity increases it brings to the workplace. That technological innovation is what is sustaining our boom today. Beyond the effects of interest rates and fiscal policy, there are the dot.com’s and the gazelle stocks, pushing our nation’s technological wunderkind into untold riches, and pulling the rest of the nation along with them.

In an industrialized nation, the technological innovation so necessary for robust economic growth is generated by research and development (R&D). R&D is directly responsible for creation of the new products and processes which account for half of our nation’s economic growth in output per person, thereby fueling our economy. The private sector recognizes these connections—earlier this summer, Business Week devoted a entire issue, over a hundred pages, to highlighting the greatest scientific and technological innovations of the past 100 years. As the noted economist Lester Thurow puts it, “The payoff from social investment in basic research is as clear as anything is ever going to be in economics.”

To drive home the economic impact of scientific R&D, I would like to bring up the specific example of biomedical research, which at least one analysis finds has a rate of return that is greater than $13 for every dollar invested. This correlation between technology and economic growth is especially compelling today, and not just for the biomedical arena. On a local scale, scores of governors are striving to bring high tech corridors into their states. They know, intuitively, that future economic growth for their states depends on high tech. America’s research-intensive industries have been growing at about twice the rate of the average industries over the past 34 years. When expressed as a fraction of GDP, federal funding of R&D has declined to half its mid-1960’s value. For certain individual disciplines, the future is bleak. A recent report from the National Academy shows that in the years between 1993 and 1997, federal funding for research in mechanical engineering declined 50.4%, that for electrical engineering declined 35.7%, that for physics declined 28.7%, and that for chemical engineering declined 32.5%. These are not just abstract reductions in facilities and personnel at research labs, and students and professors in universities. They represent the very seed corn of our economic prosperity. We no longer have as many a pool of ideas to germinate into fundamental new industries; we no longer have the technically trained populace capable of fully cultivating and implementing those ideas.

Meanwhile, other countries are stepping in to fill the gap. Thirteen countries, including Japan, are spending a larger fraction of GDP on basic research as a fraction of GNP than we do. For non-defense research, Japan spends more than the US, even in absolute dollars.

The problem of declining US R&D funding is especially acute, and demands action now, because of the dynamics of the global economy. In order to compete in the global economy, industry R&D funding has become overwhelmingly (84%) and increasingly concentrated in development and refinement, i.e., the last stage of R&D. Thus, for new product concepts, industries is correspondingly more dependent on the basic and applied research sponsored by the government. The connection is a direct one. Currently, 73% of all papers cited in industrial patents are the product of government and non-profit funded research. With our declining investment in government-funded R&D, coupled with the increases in demand for new market products and technologically literate workers, the government is stripping US industry of the knowledge base required to derive new products and compete in new industries.

We must also understand that this falloff in R&D will have serious economic repercussions into the future. Our investments in science and technology have an impact which stretches out over a twenty to thirty year horizon. Recognition of this fact is particularly projected in the Baby Boom generation’s rise in entitlement spending when the baby boom generation retires. To pay for Social Security, for Medicare, for all the hopes and dreams of our country, we will need a healthy economic harvest in years to come. Increasing our commitment to R&D today is the surest way to provide for the robust economy that is essential to fund our social commitment. As President Carter, Present and CEO of Softworks, points out, “Without a growing economy, Americans’ standard of living, and our ability to support the needs of our aging population will be in jeopardy. Faced with a static or decreasing workforce demographics shift, US lawmakers must focus on encouraging technology development to increase productivity, enabling a smaller workforce to support a growing population of retirees.”

We are doing well now economically because of our past R&D investments, but the declining R&D accounts bode poorly for our future. The Council on Competitiveness put it succinctly when it concluded, “The United States may be living off historical assets that are no longer being renewed.” It is time now to renew those investments. Its small but steady increases in the nation’s R&D accounts and its commitment to thoughtful planning and review of our R&D portfolio, The Federal Research Investment Act, S. 296, begins the replenishment of our consummate national treasure—our knowledge base.

Mr. FRIST. Mr. President, I would like to take a few minutes to talk about an important, yet often ignored aspect of the federal budget—our investment in research and development (R&D). While I strongly believe that Congress must strive to stay within the budget caps, I also firmly believe that funding for R&D should be allowed to grow in fiscal year 2000 and beyond. Many economists argue that such an investment, through its impact on economic growth, will not drain our resources, but will actually improve our country’s fiscal standing.

The Federal Research Investment Act, which I authored with Senators ROCKEFELLER, DOMENICI, and LIEBERMAN, passed the Senate last Monday for the second year in a row. The bill would double the amount of federally-funded civilian research and development (R&D) over eleven year period. This critical federal investment, performed throughout our national laboratories, universities, and private industry, is currently fueling 50% of our national economy through improvements in capital and labor productivity.

Throughout my career in the Senate, I have spent a considerable amount of time advocating for greater funding levels for civilian R&D. Together with many of my colleagues from both sides of the aisle, I have been trying to educate others on the value of the federal government’s role in funding merit-based and peer-reviewed programs. One of the most compelling arguments for the foundation of the new digital economy, to find an example of prudent federal investment in R&D.
Current economic expansion and growth, however, cannot be maintained if we do not provide the necessary funds and incentives to perform critical R&D throughout the scientific disciplines. Federal expenditures of both civilian and defense R&D as a percentage of GDP have dropped from 2.2 percent in 1965 to only 0.8 percent in 1999—a nearly one third of its value.

We have both a long-term problem: addressing the ever-increasing level of mandatory spending; and a near-term challenge of appropriating the ever-dwindling amount of discretionary funding. The confluence of increased dependency on technology and decreased fiscal flexibility has created a problem too obvious to ignore: not all deserving programs can be funded; not all authorized programs can be fully implemented. We must set priorities.

The Federal Research Investment Act applies a set of guiding principles, established by the Senate Science and Technology Caucus, to consistently ask the appropriate questions about each competing technology program; to focus on that programs' effectiveness and appropriateness for federal funding; and to help us make the hard choice among programs that programs deserve to be funded and which do not.

The Government plays a critical role in driving the innovation process in the United States. The majority of the federal government's basic R&D is directed toward critical missions to serve the public interest in areas including health, environmental pollution control, space exploration, and national defense. Federal funds support nearly 60 percent of the Nation's basic research, with a similar share performed in colleges and universities.

The Senate passage of the Federal Research Investment Act reflects a consensus that although basic research is the foundation for many innovations, the rate of return to society generated by non-competitive goals of R&D is significantly larger than the benefits that can be captured by the performing institution.

This legislation sends a strong message to the academic and scientific community—Congress understands the value of pre-competitive, basic research and its impact on the national economy and the standard of living. I hope that the House will be as courageous as the Senate and embrace this long-term funding strategy.

HUMANITARIAN ASSISTANCE IN KOSOVO

Mr. HATCH. Mr. President, I note today that the international community had a successful first conference on reconstructing Kosovo and southeastern Europe. Nearly 40 leaders met in Sarajevo last weekend. The presence of most of the leaders of state, including President Clinton's commendable appearance, demonstrates that the international community will not shirk from the responsibility of re-building Kosovo from the inhumane devastation visited upon it by the ultranationalist brutes still in power in Belgrade.

The people of Kosovo have suffered nearly unspeakably brutal, and it is entirely appropriate that the international community—which invested a great deal in forcing the Serbian military, para-military, and other gangsters out of Kosovo—now recognizes that long-term stability will not be created until immediate humanitarian needs, as well as rebuilding a functioning economy, establishing institutions to devise and protect the rule of law, and ejecting the ultranationalists in Belgrade, are met.

It is also appropriate, Mr. President, that the European powers shoulder the majority of this cost, as the U.S. shouldered the majority of Operation Allied Force.

When we look at the humanitarian response to the crisis in Kosovo, we must agree with appreciation the participation of nongovernmental organizations around the world who rushed to aid the Kosovar victims.

The American Red Cross, for example, has been involved in the Balkans since 1993—more proof that Milosovic has been wreaking havoc in the region for years.

Doctors Without Borders has been addressing a myriad of public health problems and responding to injuries.

These are just two organizations who have responded to the overwhelming needs of these people.

Prominent among these groups were the aid organizations of most of the world’s religions.

Again, to name only a few, Catholic Relief Services just last week shipped more than 1400 metric tons of food. It has contributed other supplies and volunteers as well. The Catholic Relief Services have also taken on the project of rebuilding.

Church World Services, the relief arm of a consortium of protestant denominations, has shipped tents, food, bedding, and other supplies.

The American Jewish Joint Distribution Committee, affiliated with the United Jewish Appeal, in addition to food and shelter supplies, has activated its medical registry of volunteer doctors and nurses to operate clinics in the refugee areas of Albania and Macedonia.

And I would like to highlight the significant efforts by my own church, the Church of Jesus Christ of Latter-day Saints.

In my address to the assembled members of our church last April, President Gordon B. Hinckley said, “At this moment, our hearts reach out to the suffering people of Kosovo.” He set in motion our church’s efforts to help relieve that suffering.

The Church’s initial response to the crisis was timely. On Tuesday, April 6, specific plans were approved to ship family food boxes on a chartered air cargo plane. That night, over 300 Church members in Salt Lake City packed 3,000 boxes with food to feed a family of four for one to two weeks. On Wednesday, the food boxes were loaded on the cargo plane arriving in Macedonia on Friday. Refugee families began moving the boxes on Saturday, April 10. A second chartered air cargo plane was sent to Macedonia two weeks later with 26,000 family hygiene kits, 14,000 pounds of soap and 600 additional food boxes.

Other shipments containing blankets, food, and clothing have been distributed to refugees in Macedonia. Also, blankets, food, and clothing have been consigned to the American Red Cross. More hygiene kits have been assembled by Latter-day Saints in Germany, England, California, and Utah for shipment to refugees in June. Student and teacher educational supply kits have been provided to refugee camps in Macedonia. Fresh fruits, vegetables, and bread are being purchased locally by the Church in Macedonia and Albania and distributed to refugee camps and host families.

The Church has sent volunteer couples to Macedonia and Albania to coordinate distribution of humanitarian assistance. A third volunteer couple with experience in the helping professions will go to Albania for 3-6 months to assist refugee and host families with social-emotional needs.

To date, the Church of Jesus Christ of Latter-day Saints has provided the following humanitarian aid to Kosovar refugees:

Food—133,000 pounds shipped; plus cash donations of $400,000 for local purchases:

Clothing and shoes—2 million pounds, soap—166,000 pounds, school kits and educational supplies—4,000 pounds;

Family hygiene kits—$2,000, blankets—$20,000; and

Cash contributions to the German Red Cross and the Mother Teresa Society—$110,000.

Once all currently planned shipments are completed, the value of assistance rendered by The Church of Jesus Christ of Latter-day Saints will total approximately $5.2 million. The Church stands ready to evaluate and respond to future needs as circumstances may require and resources allow.

The Mormon Church today has as many adherents overseas as there are in this country. It is a global church. Its presence abroad, and to an awareness of the need for public health, literacy, and development in other nations. But, more than that, it contributes to a greater understanding among nations and cultures.

Young people of my state—not only LDS members—have always demonstrated a willingness to pitch in where there is need. Their contributions are obvious at home. But, we do not mention enough that their charitable spirit extends regularly to less fortunate people around the world.

While Utahans are fiscally conservative people and are not tolerant of the
financial waste perpetrated in Washington, they are also generous people. I am pleased to highlight their support for the Kosovar relief effort.

It is a tribute to America’s generous spirit and sense of goodness that all of these organizations have contributed to this effort, offering half a world away. There is no doubt that, despite the overwhelming challenge, these organizations will collectively make the difference in the lives of these displaced Kosovar refugees and will provide hope for their future.

THE AGRICULTURE APPROPRIATIONS BILL

Mr. FEINGOLD. Senator KOHL, as Senator COCHRAN read through the amendments included in the Managers package of the FY2000 Agriculture Appropriations bill late last night, I noticed that an amendment I had filed was not included. It had been my understanding that my amendment would be accepted during the wrap-up on the Agriculture Appropriations bill.

Mr. KOHL. I am aware of the Senator’s amendment. Will the Senator please explain the amendment?

Mr. FEINGOLD. My amendment was a non-controversial sense-of-the-Senate resolution that the U.S. Customs Service should, to the maximum extent practicable, conduct investigations into, and take swift other actions as are necessary to prevent, the importation of ginseng products into the United States from foreign countries, including Canada and Asian countries, unless the importation is reported to the Service, as required under Federal law. It merely asks that current law be complied with.

Mr. KOHL. Your amendment, expressing the sense-of-the-Senate regarding ginseng, was inadvertently left off the list for the Manager’s amendment. However, it should be noted, that the amendment was not excluded based on its substance, but only because of a regrettable omission.

Mr. FEINGOLD. I thank the Senator and ask his assistance in including my ginseng amendment in the final conference report on the FY2000 Agriculture Appropriations bill.

Mr. KOHL. I would like to assure Senator FEINGOLD that I will work toward inclusion of this provision in the conference report. The Senator is correct that there was no objection raised to his amendment and I will make that point clear to my fellow conferees.

Mr. ROBERTS. I would like to engage the Senators from Wisconsin in this colloquy. Yesterday, when the Senate considered the Agriculture Appropriations Bill, I had offered three amendments regarding the Conservation Reserve Program. It is my understanding that at least one of these amendments had been cleared for approval by the Senator from Kansas last fall and this spring.

CRP Notice-327 issued by the Farm Service Agency prohibits the use of CRP land for hunting preserves. The notice does not prohibit land owners from leasing hunting rights or charging access fees to hunters. However, it does prohibit hunting preserves. This notice overturns a practice that has been allowed in many areas since the inception of the CRP program. In fact, these hunting preserves operate from the Kansas and Oklahoma areas to the Dakotas. The preserves are strongly regulated in Kansas and they have resulted in an important economic development activity for many rural areas.

In Kansas, we have 112 tracts of land designated for use as hunting preserves. 36 of these tracts are in counties designated by USDA as eligible to apply for Round II Rural Empowerment zones under the criteria established by USDA. Basically, to qualify under this criteria, a county must have lost either one or more of its population between 1980 and 1994. These population losses represent a significant erosion of the economic base of these rural areas. Disallowing these hunting preserves would represent a loss of tourism dollars and an economic opportunity that many of these counties simply cannot afford to take.

CRP Notice 338 prohibits the planting of grass strips on terrace tops for enrollment in the continuous CRP. The notice prohibits the enrollment of grass strips located on the tops of terraces—where erosion is most likely to take place—but allows the enrollment of strips planted between terraces—where crops can actually be grown. Grass strips planted on terraces provide important environmental functions by reducing both wind and water erosion. Grass strips help to prevent the breakage of terraces that sometimes occurs during torrential rain and will provide important habitat for wildlife. Fifteen groups in Kansas ranging from the State Secretary of Agriculture to the Kansas Audubon Society have asked Secretary Glickman to reverse this ruling.

USDA’s actions seem directly contrary to a recent hearing held by these 15 Kansas organizations that explains how landowners can use these grass strips to improve environmental and wildlife benefits. This amendment tries to return some aspect of local control to these decisions.

I thank the ranking member for taking another look at these amendments, and I would ask the Ranking Member’s assurance that he will work with his Chairman and House counterparts to address my amendments on the Conservation Reserve Program in conference as well.

Mr. KOHL. I would like to assure the Senator from Kansas that I will work with Senator COCHRAN, Chairman of the Subcommittee, to make all members of the conference committee aware of the objectives of these three amendments. The Senator also has my assurance that he will work with his colleagues to overcome any remaining objections to his amendment relating to CRP cross compliance. Further, I would like the Senator to know that I will continue discussions with all parties regarding his other two amendments to see if it will be possible to give them favorable consideration during conference committee action.

Mr. ROBERTS. I thank the Ranking Member for his assistance and all his work on the bill.

Mr. FEINGOLD. I would like to echo that sentiment and also thank Senator KOHL for his assistance and all his work on this very important bill.

CBO COST ESTIMATE

Mr. MURKOWSKI. Mr. President, on August 3, 1999, I filed Report 134 to accompany S. 1330, a bill to give the city of Mesquite, NV, the right to purchase at fair market value certain parcels of public land in the city, that had been ordered favorably reported on July 28, 1999. At the time the report was filed, the estimates by Congressional Budget Office were not available. The estimate is now available and concludes that enactment of S. 1330 “would increase direct spending by about $500,000 over the 2000-2004 period.” I am happy to consent that a copy of the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
S. 1330—A bill to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city

The city would pay fair market value for the property. Based on information from BLM and the city of Mesquite, Nevada, which would benefit from enactment of this legislation, which would allow it to obtain needed parcels of land BLM would convey some of this land at no cost. The conveyances would be voluntary on the part of the city, as would any amounts spent by the city to purchase or develop the land. The bill would have no significant impact on the budgets of other local governments, or on state or tribal governments.

The CBO staff contacts are Victoria Heid Hall and Marjorie Miller for the state and local impact, who can be reached at 226–2360.

Sincerely,

Barry B. Anderson
(For Dan L. Crippen, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1330 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would have no significant impact on the budgets of other local governments, or on state or tribal governments.

The CBO staff contacts are Victoria Heid Hall and Marjorie Miller (for the state and local impact), who can be reached at 226–2360.

S. 1330 contains no intergovernmental mandates as defined in UMRA. The city of Mesquite would benefit from enactment of this legislation, which would allow it to obtain needed parcels of land BLM would convey some of this land at no cost.

The CBO staff contacts are Victoria Heid Hall and Marjorie Miller (for the state and local impact), who can be reached at 226–2360.

This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CHEMICAL DEMILITARIZATION FUNDING

Mr. BINGAMAN, Mr. President, I rise to highlight an issue of growing concern, namely funding for the U.S. chemical demilitarization program. My concern is that the Congress has been cutting the funding required to eliminate our stockpile of chemical weapons and agents, despite the fact that we have a treaty commitment under the Chemical Weapons Convention to destroy that stockpile by April 24, 2007.

Simply put, if we in Congress do not provide the necessary funds to meet our treaty commitment in time, we will be forcing the United States to violate an arms control treaty that we in the Senate approved with our vote of advise and consent to ratification.

Mr. President, this is a trend we should not be continuing. In fact, we should be providing the funds needed to ensure that the United States can and does meet its treaty obligations for all treaties to which we are an adherent, including the Chemical Weapons Convention.

Given the Senate's unique constitutional role in providing advice and consent to the ratification of treaties, I would hope this proposition would be included in the defense and national security budget conference agreement. Nonetheless, Mr. President, the Conference Report on the Military Construction Appropriations Bill, H.R. 2465, contains significant reductions from the funding requested for military construction of chemical demilitarization facilities that we need to meet our treaty obligations.

The program is cut by $73 million dollars in fiscal year 2000 funds, including a reduction of $15 million dollars for planning and design work. This appears to be a technical mistake, Mr. President, since the budget request did not contain any funds for planning and design in the military construction budget for chemical demilitarization. This is deeply disappointing since neither appropriations subcommittee had reduced the military construction funding in their respective bills. On the contrary, each subcommittee had provided full funding to this program for military construction for the chemical demilitarization program.

The conference, however, chose to ignore that and cut funding. As I suspect, these funding reductions would jeopardize our ability to meet our CWC treaty obligations, I hope the Defense Department will take some remedial action, such as reprogramming or a supplemental request to provide the funding needed to ensure that we remain compliant with the treaty. I also hope that the Defense Appropriations Conference will request and provide full funding on the chemical demilitarization program. The problem is that some of the Committees acted on the basis of that incomplete information, and it is now clear that the preliminary information was incorrect. Consequently, Congress cut funds for the chemical demilitarization program based on faulty information.

Since that internal memo was leaked, Congress has been looking into the financial management of the chemical demilitarization program, and we have been provided with more complete and accurate information. This information makes it clear that we should not be cutting the program funding based on the earlier information.

Unfortunately, before that assessment was completed, an internal DoD memorandum was leaked with preliminary and incomplete information. That internal memo was the basis for much concern among various congressional committees. The problem is that some of the Committees acted on the basis of that incomplete information, and it is now clear that the preliminary information was incorrect. Consequently, Congress cut funds for the chemical demilitarization program based on faulty information.

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view, this means that Congress should not be cutting the funds based on the incorrect information, but should provide the needed funding.

The General Accounting Office sent the results of their preliminary review to the Armed Services Committees. A letter dated July 29, 1999, and I will ask unanimous consent that the letter be included in the RECORD at the conclusion of my remarks. In addition, Mr. President, the Office of the Comptroller of the Defense Department conducted a thorough review of the funding status of the chemical demilitarization program to review unobligated and unexpended balances. The results of that review have recently been submitted to Congress. That review indicates that about $88 million dollars could conceivably be deferred until next fiscal year, but that such a deferral would entail risks to our ability to meet the CWC deadline, and “should only be made after serious consideration.”

In other words, Mr. President, the Defense Department Comptroller’s office did not find the kinds of problems that had been suggested by the earlier preliminary internal review, and did not find anything suggested by the partial review. The review noted that “without exception, the budgeted funds are needed to satisfy valid chemical demilitarization requirements. Should any funds be removed from FY 2000, the funds will need to be added back in the future budget.”

The Deputy Secretary of Defense, John Hamre, sent a letter to the congressional defense committees dated August 3, 1999, in which he explains the review and includes the executive summary of the Comptroller report. I will ask unanimous consent at the conclusion of my remarks that Secretary Hamre’s letter and the enclosure be included in the RECORD.

Mr. President, the only conclusion I can draw from this is that Congress should not cut the funding for chemical demilitarization to the extent the Appropriations Committees did on the basis of the preliminary and partial information contained in the leaked internal memo. Instead, the Congress should work with the Defense Department to determine the correct level of funding needed to comply with the treaty and provide it.

Furthermore, since the completion of the Comptroller’s review, the Defense Department has agreed to conduct an evaluation of three additional alternative technologies for chemical demilitarization, as sought in the Senate Military Construction Appropriations bill. This evaluation alone will cost some $40 million in FY 2000 funds, so that means that there is even less money that can be considered for deferral.

Mr. President, I addressed the Senate on the issue of the chemical demilitarization program when the Military Construction Appropriations bill, S. 1205, was before the Senate in June. At that time, I expressed my concern that the Senate bill had restrictions that could jeopardize our ability to meet the CWC deadline. I am glad to say that since then, the Defense Department has reached an understanding with the Appropriations Committees on a plan to evaluate the three additional alternative technologies without blocking or delaying construction activity. I am pleased to see this agreement and I commend all those who helped to achieve it, particularly the senior Senator from Kentucky, Senator McConnell.

Mr. President, I know we take our treaty responsibilities very seriously here whenever a treaty is sent to the Senate for advice and consent to ratification. I know that was the case when the Chemical Weapons Convention was approved by more than three-quarters of the Senate. I hope we will take as seriously our obligation to provide the funds necessary to comply with treaty obligations. In this case, that means providing necessary funds for the chemical demilitarization program.

Mr. President, I now ask unanimous consent that the documents I referred to previously be included in the RECORD at the conclusion of my remarks and I yield the floor.

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

DEPUTY SECRETARY OF DEFENSE, 
HON. JOHN W. WARNER, 
Chairman, Committee on Armed Services, 
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: You are aware, I am sure, of the extensive efforts we have been taking to destroy all of our chemical weapons by April 29, 2007, the date that ensures compliance with the Chemical Weapons Convention (CWC). Our Chemical Demilitarization program, however, has suffered from a lack of programmatic and technical stability.

One result of this instability has been that funds were not used at the rate anticipated at the time budgets were prepared, causing an unexpended balance to accrue. A preliminary review of the cause of this balance was made earlier this year. This assessment indicated the need for a more detailed review, and as a result, the Office of the Under Secretary of Defense (Comptroller) recently conducted a thorough analysis of the unexpended balances.

Enclosed is the Executive Summary of the resulting report, the full details of which have been provided to your staff. At the bottom line, the report indicates that about $88 million could be deferred from the FY 2000 budget. This action, however, would eliminate some of the program manager’s ability to make necessary program adjustments without jeopardizing CWC compliance.

Since the conclusion of the report, we have agreed to conduct evaluations of the remaining alternatives for destruction of chemical weapons. This effort will require an additional $40 million in FY 2000, reducing to about $48 million the amount that could be deferred to FY 2001.

I am sure you share my concern about meeting the deadline for completing destruction of our chemical weapons stockpile, and I ask that you read this report as you complete action on the FY 2000 budget.

Sincerely,

JOHN J. HAMRE.
S10370

CONGRESSIONAL RECORD — SENATE
August 5, 1999

[In dollars in million]

<table>
<thead>
<tr>
<th>Percentage of amount unexpended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting Recording</td>
</tr>
<tr>
<td>Lag</td>
</tr>
<tr>
<td>Administrative Progress</td>
</tr>
<tr>
<td>FEMA-State Fussing Permit</td>
</tr>
<tr>
<td>Issuance</td>
</tr>
<tr>
<td>Technical Restructure</td>
</tr>
<tr>
<td>Contracting Delays</td>
</tr>
</tbody>
</table>

The majority of the unexpended balance was budgeted to meet schedules that seemed reasonable when the budget was built. Fully 44 percent of the balance is associated with work that either has occurred for which the payment has not been recorded or work that is yet to occur but is on its planned schedule. None of these funds should be considered for deferral.

Only 1 percent is associated with classical forward financing and should be considered for deferral.

The balance of unexpended funds reflect contracting regulatory or technical delays that were large enough to lead the control of the program manager. The paper carefully reviews each of these by site. It accepts the contractor’s estimate of the cost of work to be performed during FY 2000, because the contractor is in the best position to judge what can be accomplished in FY 2000 and he must be encouraged to accomplish as much as possible if the Department is to achieve the treaty compliance date. The paper then evaluates remaining unexpended balances using a standard established in prior execution reports.

As one reviews this program, the overriding concern is that the Department do everything in its power to achieve the legislated target date of April 29, 2007, for completion of chemical agent destruction. While this analysis indicates that $87.9 million may be deferrable into FY 2001, such a deferral should only be made after serious consideration because it will take away some of the program manager’s ability to take additional steps to meet the treaty compliance date.

It should also be noted that without exception the budgeted funds are needed to satisfy valid obligations and to provide for the minimum expenditures. Should any funds be removed from FY 2000, the funds will need to be added back in a future budget.

EVENTS SINCE COMPLETION OF THE REPORT

The Department has agreed to conduct evaluations of the three additional alternative technologies (Assembled Chemical Weapons Assessment Program). This will require an additional $40.0 million in FY 2000 and could be financed with funds considered for deferral in this report, which would reduce the total to be considered for deferral from $67.9 million to $47.9 million.

GAO
Subject: Chemical Demilitarization—Funding Status of the Chemical Demilitarization Program
Hon. John W. Warner, Chairman
Hon. Carl Levin, Ranking Minority Member,
Committee on Armed Services, U.S. Senate.
Since the late 1980’s, the Department of Defense (DOD) has been actively pursuing a program to destroy the U.S. stockpile of obsolete chemical agents and munitions. DOD has reported that this program, known as the Chemical Demilitarization Program, is estimated to cost $15 billion through 2007; approximately $6.2 billion has been appropriated for the fiscal year 1998 through fiscal year 1999. Because of the lethality of chemical weapons and environmental concerns associated with proposed disposal methods, the program has been controversial from the beginning and has experienced delays, cost increases, and management weaknesses.

The Chemical Demilitarization Program is funded through operation and maintenance (O&M), procurement, research and development (R&D), and unliquidated, unexpended appropriations, with each being available for use for varying periods of time. Concerns were recently raised within DOD that the program had built up significant levels of funding in excess of spending plans. This led to concerns that the program’s fiscal year 2000 budget request might be overstating funding requirements. As requested, we reviewed the extent to which the program retains significant levels of prior years’ appropriations in excess of spending plans. Accordingly, we reviewed the rolls of O&M in a quick program review. As part of that review, we will examine program costs, spending plans, schedules, and other management issues.

For the selected Chemical Demilitarization Program, we reviewed the extent to which the 1999 program was receiving its defense appropriation accounts. We did not find sizable amounts of unallocated appropriations and unliquidated obligations from prior years that appear to be available for other uses. These were sizable unliquidated obligations reported from prior years. However, based on our review of $326.1 million (62.6% of the reported $520.5 million in unliquidated obligations from the Chemical Demilitarization Program for FY 1998, we found that $150.6 million ($9.4 percent of the sample) had already been liquidated, but not recorded in Defense Finance and Accounting Service (DFAS) budgetary reports. Further, the remaining $231.5 million in unliquidated obligations in our sample was scheduled to be liquidated by November 2000. Reportedly unliquidated obligations were caused by a number of factors such as delays in obtaining environmental permits and technical delays. At the same time, we failed to identify a number of factors such as delays in obtaining environmental permits and technical delays. At the same time, we identified a number of factors such as delays in obtaining environmental permits and technical delays. At the same time, we identified a number of factors such as delays in obtaining environmental permits and technical delays.

BACKGROUND

In 1985, the Congress passed Public Law 99–145 directing the Army to destroy the U.S. stockpile of obsolete chemical agents and munitions. Later, the United States ratified the Chemical Weapons Convention, an international treaty banning the development, production, stockpiling, and use of all chemical weapons. The Chemical Weapons Convention commits member nations to dispose of (1) chemical weapons, recovered chemical weapons, and former chemical weapon production facilities by April 29, 2007, and (2) miscellaneous chemical warfare materiel by April 29, 2002.

FUNDING BALANCES FOR THE CHEMICAL DEMILITARIZATION PROGRAM

The Chemical Demilitarization Program budget reports showed a current and prior years’ appropriations not yet allocated ($107.1 million) or obligated ($48.6 million) to specific program areas. Nearly three-quarters ($145.2 million) in current year appropriations. Also, the program currently has approximately $1 billion in unliquidated obligations, of which about 61 percent or $610.5 million are associated with prior years’ appropriations for fiscal years 1998.

To identify the amounts of unallocated appropriations and unliquidated obligations from prior years, we collected official DFAS budget execution data for the Chemical Demilitarization Program. DFAS is responsible for providing the program office and other DOD organizations’ financial and accounting services and information. Table 1 lists the reported budget authority and the unallocated obligations and obligated appropriations, along with unliquidated balances for selected appropriations for the Chemical Demilitarization Programs as of May 31, 1999. Budget authority allows agencies to enter into financial obligations that will result in immediate or future outlays of funds.
As shown in table 1, the program office had a reported $10.3 million unallocated balance for fiscal years 1992–98. This balance consisted of funds that were never allocated to a specific project or were returned to this category after allocation. Returned funds include funds that were returned to the program office from projects that were terminated or completed for less than the obligated amount. Most of the unallocated funds are no longer available for obligation because their periods of availability for obligation have lapsed. In addition, the program office’s unobligated balance for fiscal years 1992–98 was reported to be approximately $200,000. At the same time, the program reported $610.5 million in unliquidated obligations from fiscal years 1992–98.

In addition, as shown in table 1, the program office had a reported $96.8 million in unliquidated and $48.4 million unobligated obligations in fiscal year 1999 funds. However, it is important to note that the R&D and procurement, and not O&M funds, will still be available for obligation for the remainder of this year and the 2 or 3 future years; and the obligations of all three appropriations may be liquidated for several more years beyond that.

Note 1.—The Chemical Demilitarization Program had a reported $3.2 billion in budget authority for fiscal years 1992–98 and $666.8 million in budget authority in fiscal year 1999. The budget authority for fiscal years 1992 and 1993 O&M funds and fiscal year 1992 R&D funds are not included in the table because these funds have been canceled. In addition, the table does not include military construction funds because these funds were not included in this review.

Note 2.—Unless otherwise specifically provided by law, a fixed appropriation account is generally available for adjusting and liquidating obligations properly chargeable to the account for 5 years following its period of availability for obligation. At the end of this 5-year period, the account is closed, and all balances are permanently canceled. O&M appropriations are available for obligation for 1 year, R&D appropriations are available for obligation for 2 years, and procurement appropriations are available for obligation for 3 years.

Note 3.—Numbers not intended to total horizontally.

Note 4.—The program office refers to unallocated funds as unissued funds.

Table 1.—Reported Budget Authority and Unallocated, Unobligated, Obligated, and Unliquidated Balances for Selected Appropriations for the Chemical Demilitarization Program (as of May 31, 1999)

<table>
<thead>
<tr>
<th>Fiscal year and funding category</th>
<th>Budget authority</th>
<th>Unallocated</th>
<th>Unobligated</th>
<th>Obligated</th>
<th>Unliquidated obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-98</td>
<td>$3,170.2</td>
<td>$10.3</td>
<td>$0.2</td>
<td>$3,159.5</td>
<td>$610.5</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>1,821.4</td>
<td>8.9</td>
<td>0</td>
<td>1,812.5</td>
<td>135.8</td>
</tr>
<tr>
<td>Procurement</td>
<td>1,119.6</td>
<td>1.3</td>
<td>0.2</td>
<td>1,118.3</td>
<td>444.7</td>
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<tr>
<td>Research and Development</td>
<td>228.8</td>
<td>0.1</td>
<td>0</td>
<td>228.7</td>
<td>30.0</td>
</tr>
<tr>
<td>1999</td>
<td>$666.8</td>
<td>$96.8</td>
<td>$48.4</td>
<td>$521.6</td>
<td>$99.0</td>
</tr>
</tbody>
</table>

Note 1.—The MIPRs were for fiscal years 1992–98 funds.

Table 2.—Adjusted Unliquidated Obligations for 28 MIPRs (as of July 7 through July 14, 1999)

<table>
<thead>
<tr>
<th>Category of funds</th>
<th>Number of MIPRs (GAD reviewed)</th>
<th>Reported unliquidated obligations</th>
<th>Liquidated funds</th>
<th>Adjusted unliquidated obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$1,060,680.2</td>
<td>$1,048,330.8</td>
<td>$1,012,350.0</td>
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<tr>
<td>Operation and Maintenance</td>
<td>8</td>
<td>$793.1</td>
<td>$669.6</td>
<td>$124.5</td>
</tr>
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Note 1.—Reported as of May 31, 1999, by DFAS.

Table 2.—Adjusted Unliquidated Obligations for 28 MIPRs (as of July 7 through July 14, 1999)

As shown in table 2, we reviewed eight MIPRs that included a reported $79.3 million in unliquidated O&M obligations. Of this amount, $55.2 million was allocated to the FEMA for the Chemical Stockpile Emergency Preparedness Program (CSEPP). According to FEMA officials and supporting documentation, the total amount has been liquidated but was not timely reported to the program office for input to the finance service records. In addition, another $8.1 million of the reported $79.3 million in unliquidated O&M obligations has been liquidated by the program office and its contractors. The remaining $17.3 million scheduled to be liquidated between now and February 2000.

In addition, as shown in table 2, we reviewed 18 MIPRs that included a reported $283.2 million in unliquidated procurement obligations. Of this amount, $54.2 million was allocated to FEMA for CSEPP projects. According to FEMA officials and supporting documentation, $48.4 million of the $54.2 million in CSEPP obligations has been liquidated but not reported to the program office in time for input to the finance service records. The remaining $13.7 million is still unliquidated but allocated to Alabama for its CSEPP projects. In addition, another $32.6 million of the reported $283.2 million in unliquidated procurement obligations has been liquidated by the program office and its contractors by May 31, 1999, and the remaining $220.1 million is scheduled to be liquidated between now and November 2000.

We also reviewed four MIPRs that included a reported $39.6 million in unliquidated R&D obligations. Of this amount, the program office and its contractors have liquidated $9.6 million. The remaining $30 million is scheduled to be liquidated between now and September 2000.

Our preliminary review of the budget execution reports and MIPRs shows no indication that the program office obligated the same funds to separate projects and contracts in order to reduce its unobligated balances. We plan to complete a more extensive analysis of the potential for such double obligations as part of our future review.

Primary Reasons for the Unliquidated Obligations

We identified a variety of reasons for the reported unliquidated balances. Most included procedural delays associated with reporting financial transactions to the finance service. More specifically, they included:

Accounting and procedural delays: According to DOD and Army officials, it can take from 90 to 120 days to process and report liquidation data before liquidations are included in the finance service budget execution data and reports. For example, the program office’s projects are large enough to include a primary contractor and several subcontractors. Primary contractors may take several weeks to validate, process, and report liquidation actions by their subcontractors to the program office, which also has its own processes and procedures before reporting to the finance service. Furthermore, the finance service requires time to input and report its liquidation data to responsible DOD and Army officials.

Army and FEMA accounting and procedural delays for CSEPP funds: On the basis of our MIPR sample, CSEPP liquidations were included in the finance service data because FEMA had not reported liquidation actions in a timely manner to the program office.

More Fiscal Years 1992–98 Obligations Have Been Liquidated Than Reported

For our preliminary review, we focused our analysis on the status of the unliquidated obligations for fiscal years 1992–98. Based on our review of 28 MIPRs with $382.1 million in unliquidated obligations (or 62.6 percent of the total reported unliquidated obligations), we found that $150.6 million (39.4 percent) had been liquidated. The remaining $231.5 million (60.6 percent) of the reported $382.1 million in unliquidated obligations is scheduled to be liquidated between August 1999 and February 2000 (see table 2).
Environmental permit delays: Program officials found that estimating the time required to obtain environmental permit approvals was much more difficult than expected. Several officials commented that obtaining the permits for the construction of the Umatau, Anniston, and Pine Bluff chemical demilitarization facilities took 2 to 3 years more than the program office anticipated. Although funds were obligated for these projects, the program office could not liquidate the obligations until after the respective state approved the construction permit and the demilitarization facilities were constructed.

Technical delays: According to program officials, lessons learned from ongoing demilitarization efforts in the Pacific Ocean and Tookie, Utah, resulted in technical and design changes for future facilities that required additional time and resources. While these changes were being incorporated, liquidation of obligated funds proved to be slower than program officials expected.

**ACTIONS THAT HAVE AFFECTED OR WILL AFFECT UNLIQUIDATED OBLIGATIONS**

Several factors have affected or will affect the program office’s unliquidated obligations. First, in fiscal year 1999, the Congress reduced the program’s budget request for the Chemical Demilitarization Program by $75.1 million. Consequently, there were fewer funds to obligate during fiscal year 1999 than in previous years for that should reduce unliquidated obligations is the 1997 approval of environmental permits for the construction of the Umatau, Oregon, and Anniston, Alabama, chemical demilitarization facilities. The construction of these facilities should allow the program office to liquidate unliquidated procurement obligations for these locations. In addition, the environmental permits were approved in 1999 for the construction of Pine Bluff, Arkansas, and Aberdeen, Maryland, chemical demilitarization facilities. The construction of these facilities should allow the program office to liquidate unliquidated procurement obligations for these locations. At the same time, program officials expect additional procurement costs at the Umatau and Anniston disposal sites due to design and technical changes to previously purchased equipment.

**CONCLUSION AND EVALUATION**

We provided a draft copy of this report to DOD and the Army for comment. Responsible officials stated that they did not have sufficient time to formally review and comment on the report; however, we are providing various technical comments which were used in finalizing the report.

**SCOPE AND METHODOLOGY**

To assess the unobligated appropriations and unliquidated obligations for the Chemical Demilitarization Program, we interviewed and obtained data from DOD, Army, and FEMA officials, including officials from the Program, DOD, and the Army Chemical Demilitarization Program in the Edgewood area of Aberdeen Proving Ground, Maryland; Office of the United Secretary of Defense (Comptroller); Deputy Assistant Secretary of the Army, Chemical Demilitarization; Assistant Secretary of the Army for Financial Management; Army Audit Agency; and Office of Management and Budget. We reviewed DOD’s reported budget execution data for selected appropriations for chemical demilitarization program budget authority, unobligated, unliquidated balances, and unobligated balances for fiscal years 1992–98. We did not attempt to reconcile budget execution data with DOD’s financial statements. In addition, we interviewed officials responsible for tracking the (1) requirements for these funds, (2) primary causes for the unliquidated obligations, and (3) actions that have affected or will affect unliquidated obligations.

Because most unallocated appropriations are no longer available for obligations, unliquidated balances are compared to the budget authority and fiscal year 1999 funds are still available for obligation and liquidation for several years, we focused our analysis on the unliquidated obligations for fiscal years 1992–98. We judgmentally selected and reviewed 28 of the program’s MIPRs with unliquidated balances of more than $1 million to (1) verify the reported unliquidated obligation, and (2) identify specific requirements and time frames for liquidating the obligations. In addition, for unliquidated obligations, we interviewed responsible program officials and reviewed supporting documentation from the Army and its contractors and compared these data with the unliquidated obligations reported in DOD’s budget execution reports. On the basis of this comparison, we determined the extent to which more obligations have been liquidated than previously reported by the finance service. These liquidated obligations were deducted from the reported unliquidated obligations to determine the revised unliquidated obligations. We presented the results of our work in the report.

**COMMENDING THE “FIGHT FOR YOUR RIGHTS: TAKE A STAND AGAINST VIOLENCE” PROGRAM**

Mr. McCAIN. Mr. President, I would like to take a moment to draw my colleagues’ attention to a program that, I think, deserves to be commended. It is called ‘‘Fight for Your Rights: Take a Stand Against Violence.’’ The purpose of the program is to give our nation’s youth information and advice on how to cope with the epidemic of violence that is taking so many of their own.

The Departments of Justice, and Education are participants in the campaign, but what I would like to draw my colleagues’ attention to is the role of MTV music television and the Recording Industry Association of America.

The most basic and profound responsibility that our culture—any culture—has, is raising its children. We are failing that responsibility, and the extent of our failure is being measured in the deaths, and injuries of our kids in the streets and our schools, in our neighborhoods and communities. Our children are killing each other, and they are killing themselves.

Primary responsibility lies with the family. As a country, we are not parenting our children. We are not adequately involving ourselves in our children’s lives, the friends they hang out with, what they do with their time, the problems they are struggling with. This is our job, our paramount responsibility, and most importantly, we are failing. We must get our priorities straight, and that means putting our kids first. But, parents need help.

This is an extraordinarily complex problem. However, at its core, is a collapse of the value shaping institutions of our society. Our public schools are restricted from teaching basic morals and values. Stresses on families, the most basic value building institution in our society, the demands of two income households, and the breakdown of the traditional family model are undermining our ability to raise decent and moral children. The marginalizing of the critical role of religion, of
churches and synagogues, in our modern society contributions to a youth culture devoid of moral responsibility and accountability. All of these factors conspire to disconnect our children from humanity, and are turning some of them into killers. Indeed, when a Shock Machine holds such tremendous potential in so many ways, it is tragically used by some to communicate unimaginable hatred, images and descriptions of violence, and "how-to" manuals on everything from bomb construction to drugs.

With the pressures of this modern society, the emphasis on technology, the demand for performance, the fast pace of events, our children seem to be increasingly isolated from family and peers.

If we are to turn this tide of youth violence, we must examine all of these factors together. We must develop a comprehensive understanding of how these factors interrelate to produce a child capable of the shocking violence unfolding in our streets and school yards.

I have repeatedly joined various of my colleagues in efforts to call the entertainment industry to task for creating and marketing violent products to children. Most recently, I joined many of my distinguished colleagues, prominent Americans, and concerned citizens in an "Appeal to Hollywood," asking the leaders of the entertainment industry to adopt a voluntary code of conduct exercising restraint from marking violence and smut to our nation's youth. I have also introduced legislation requiring the Surgeon General to complete a comprehensive study to determine the effect of media images and descriptions of violence, and "how-to" manuals on everything from bomb construction to drugs.

We must examine our Nation is a complex challenge. It will only be solved if we all work together, and we have a responsibility to our children, as well as providing alternative outlets to violence.

One million copies of the CD/Guide package will be given away to MTV viewers via a special toll-free number promoted on MTV during PSA's, programming and on-air promotions devoted specifically to the topic of youth violence.

The Recording Industry Association of America (RIAA) graciously donated and manufactured the all-star CD which also contains CD-ROM content focusing on conflict resolution skills produced by the National Center for Conflict Resolution Education.

CONGRESS MEDITES THE BUS ON GUN CONTROL

Mr. LEVIN. Mr. President, in less than two weeks the students of Columbine High School will resume classes and begin their 1999-2000 school year. Since the now infamous Columbine massacre on April 20th, the school has gone through a complete transformation. In the school, both police and security cameras have been installed in the school; bullet holes have been patched or covered; the alarm system, which rang for hours during the reign of terror, has been replaced; and new glass windows have been installed to replace broken ones shattered by bullets and home-made bombs.

Both on air and off, MTV's campaign focuses on the three types of violence that most affect its audience: Violence in the Schools, Violence in the Streets (hate violence and gang violence), and Sexual Violence. Through programming, events, coverage on MTV News, thought-provoking on-air promos, a college campus tour, and local events involving cable affiliates across the country, MTV provides ideas beyond curfews and school uniforms. Focusing on solutions, such as peer mentoring, conflict resolution programs, artistic responses to violence and youth advocacy groups, "Fight For Your Rights gives young people the tools they need to take a stand against violence."

"Fight For Your Rights: Take a Stand Against Violence" programming includes:

- True Life: Warning Signs, an investigation of the psychological factors that can cause a youth to commit violence, produced in conjunction with the American Psychological Association.
- Point Blank: a one-hour national debate on the issue of gun control and the role guns play in the lives of young people.
- Scared Straight! 1999, MTV's update of the Oscar and Emmy award-winning documentary of the same title.
- Unfiltered: Violence from the Eyes of Youth, puts cameras in the hands of 10-15 young people to document violence in their lives.
- True Life: Matthew's Murder, takes viewers into the heart of young America's shock and confusion about the death of 21-year-old college student Matthew Shepard.

Gun control, a hard-hitting look at the thousands of young women and men who are victims of sexual abuse each year.

Through partnerships with The US Departments of Justice and Education, as well as the American Psychological Association, MTV developed a 24-page Action Guide and all-star CD that will be distributed throughout the campaign. The CD contains music and comments by all the national Endorsers. MTV has developed a 24-page Action Guide and all-star CD that will be distributed throughout the campaign. The CD contains music and comments by all the national Endorsers. MTV has developed a 24-page Action Guide and all-star CD that will be distributed throughout the campaign.

Mr. President, I ask that a summary of this program be inserted into the Record following my statement.

There being no objection, the summary was so ordered to be printed in the Record, as follows:

FIGHT FOR YOUR RIGHTS: TAKE A STAND AGAINST VIOLENCE

MTV's Emmy Award-winning 1999 pro-social campaign "Fight for Your Rights: Take a Stand Against Violence" gives young people a voice in the national debate on violence and provides them with tactics for reducing violence in their communities. Fight for Your Rights involves special programming, Public Service Announcements, grassroots events, and News special reports.

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Gun control, a hard-hitting look at the thousands of young women and men who are victims of sexual abuse each year.
same Federal firearms laws that put the weapons in the hands of minors.

Congress’s failure to act is inexcusable. Moderate reforms designed to limit juvenile access to firearms are long overdue. Yet, proponents of even the most modest gun safety legislation have come up against nothing but stonewalling and procedural delays. Sadly, it seems as if action on the juvenile justice bill is only propelled forward by additional tragedies; the Senate bill, having been passed on the day of another school shooting at Heritage High School in Conyers, Georgia, and the final motion to appoint conferees occurring just one day after a mass shooting in Atlanta. I pray that it does not take yet another mass shooting to move this legislation out of Conference Committee and onto the President’s desk.

CONGRESSIONAL BUDGET ACT COMPLIANCE

Mr. DOMENICI. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the Record a list of material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

To the best of my knowledge, the conference agreement for the Financial Freedom Act of 1999, H.R. 2488, contains no material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313 of the Congressional Budget Act of 1974.

THE NEW MILLENNIUM CLASSROOMS ACT

Mr. ABRAHAM. Mr. President, I rise today to engage in a brief colloquy with the Majority Leader regarding the New Millennium Classrooms Act. Last week, the Abraham-Wyden New Millennium Classrooms Act amendment the Taxpayer Refund Act of 1999 was cleared on both sides of the aisle and accepted by the full United States Senate. This bill provided tax incentives for businesses to donate both new and used computers to K-12 schools and senior centers. The Senate’s approval of this amendment demonstrates our strong commitment to provide school children—especially those children who live in impoverished areas—access to up-to-date computer technology and the Internet. Unfortunately, despite the Senate’s strong support for the measure, I understand that it was opposed by the House conferees to the Taxpayer Refund Act.

Mr. LOTT. The Senator from Michigan is correct. The New Millennium Classrooms Act was not included in the House-passed version of the bill and was later omitted from the final tax conference report at the request of House Ways and Means Chairman Bill Archer. I would say that to the Senator from Michigan that your New Millennium Classrooms Act remains a top legislative priority for our Senate Republican High Tech Task Force. Accordingly, I will continue to work with you to find a way to secure final Congressional approval and to provide new pro-technology, pro-education initiative.

Mr. ABRAHAM. I thank the Majority Leader for his support.

FORMOSAN TERMITES

Ms. LANDRIEU. Mr. President, I would like to engage into a colloquy with the distinguished Chairman and the senior senator from Louisiana, Mr. BREAUX, about two very important ongoing agriculture research projects relating to Formosan termites, and phytoestrogen research ongoing in Louisiana, which the Appropriations Committee has supported in the past.

For the past two fiscal years, vital funding has been provided to the Southern Regional Research Center in New Orleans to continue “Operation FullStop,” which has targeted research and test pilots to find ways to control the Formosan termite, first introduced into the United States from east Asia in the 1940s has spread like a plague through the Southeast, and its range now extends from Texas to South Carolina. In Louisiana, damage is most severe where the total annual cost of termite damage and treatment is estimated at an astonishing $217,000,000. Many historic structures in the French Quarter have been devastated, and now as many as ¼ of the beloved live oaks that shade historic thoroughfares such as St. Charles Avenue are at risk of being lost to termite damage. To help find appropriate controls for Formosan termites in Louisiana and other states where termites are just being found, it is critical for this research.

Additionally, the Southern Regional Research Center in coordination with Tulane and Xavier Universities in New Orleans have merged their complementary expertise in a unique and powerful collaborative on comparative research of the impact of Phytoestrogens on human health. These natural chemicals in soybeans and other plant substances is only starting to receive attention as dietary substances capable of improving human health. In addition, to showing beneficial health effects for the prevention of breast cancer and other health disorders, this research has developed techniques in molecular biology which could lead to applications that control the development of harmful insects. Researchers are on the verge of harnessing this knowledge and applying it to the possible biological amelioration of Formosan termite infestations. Thus, continuation of this research funded by a special Agriculture Appropriations bill in conference with the other body. Additionally, I am aware of the many other important past and present research projects ongoing at the New Orleans Southern Regional Research Center. This is an excellent agriculture research center, and funding for its work should be carefully considered by the conference committee.

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INTRODUCTION OF THE U.S. HOLOCAUST ASSETS COMMISSION EXTENSION ACT OF 1999

Mr. SMITH of Oregon. Mr. President and Members of the Senate, next week our Nation will pass an important if unnoticed anniversary—the anniversary of one of the first official notifications we were given of the atrocities of the Holocaust.

On August 8, 1942, Dr. Gerhart Reiger, the World Jewish Congress representative in Geneva, sent a cable to Rabbi Wise—the then President of the World Jewish Congress—and a British Member of Parliament. In it, Dr. Reiger wrote about "an alarming report" that Hitler was planning that all Jews in countries occupied or controlled by Germany "should after deportation and concentration * * * be exterminated at one blow to resolve once and for all the Jewish question in Europe." Our Government's reaction to this news was not our greatest moment during that terrible era.

First, the State Department refused to give the cable to Rabbi Wise. After Rabbi Wise got a copy of the cable from the British, he passed it along to the Undersecretary of State, who asked him not to make the contents public until it could be confirmed. Rabbi Wise didn't make it public, but he did tell President Roosevelt, members of the cabinet, and Supreme Court Justice Felix Frankfurter about the cable. None of them chose to act publicly on its contents.

Our government finally did acknowledge the cable in the months later, but the question remains: how many lives could have been saved if we had acted on this warning? What was the fate of the Holocaust victims' assets that came into the possession or control of the United States government, the focus of the Presidential Advisory Commission on Holocaust Assets in the United States, of which I am a member.

This bipartisan Commission—chaired by Edgar M. Bronfman—is composed of 21 individuals, including four Senators, four Members of the House, representatives of the Departments of the Army, Justice, State, and Treasury, the Chairman of the United States Holocaust Memorial Council, and eight private citizens.

The Commission was created last year by a unanimous Act of Congress, and has been hard at work since early this year. Perhaps the most important information that the Commission's preliminary research has uncovered is the fact that the question of the extent to which assets of Holocaust victims fell into Federal hands is much, much larger than we thought even a year ago, when we first established this Commission.

Last month, at the quarterly meeting of the Commissioners in Washington, we unveiled a "map" of Federal and related offices through which these assets may have flowed. To everyone's surprise, taking a sample year—1943—we found more than 75 separate entities that may have been involved.

The records of each of these offices must first be located and then scoured—page by page—at the National Archives and other record centers across the United States. In total, we must look at tens of millions of pages to complete the historical record of this period.

Furthermore, to our nation's credit, we are currently declassifying millions of pages of World War II-era information that may shine light on our government's policies and procedures during that time. But, this salutary effort dramatically increases the work the Commission must do to fulfill the mandate we have given it.

In addition to its research, the Commission pursues its research, it is discovering new aspects of the story of Holocaust assets that hadn't previously been understood. The Commission's research may be unearthing an alarming trend to import assets of Holocaust victims into the United States through South America, art and other possessions looted from Holocaust victims. Pursuing these leads will require the review of additional thousands of documents.

The Commission is also finding aspects of previously known incidents that have not been carefully or credibly researched. The ultimate fate of the so-called "Hungarian Gold Trains,"—for example—a set of trains containing the art, gold, and other valuables of Hungarian victims of the Nazis that was detained by the liberating US Army during their dash for Berlin has not been carefully investigated.

In another area of our research, investigators are seeking to piece together the puzzle of foreign-owned intellectual property—some of which may have been owned by victims of Nazi genocide—the rights to which were vested in the Federal government under wartime law.

For all of these reasons and more, I am introducing today with Senators Boxer, Dodd and Grams the "U.S. Holocaust Assets Commission Extension Act of 1999." This simple piece of legislation moves to December, 2000, the date of the final report of the Presidential Advisory Commission on Holocaust Assets in the United States, giving our investigators the time to do a professional and credible job on the tasks the congress has assigned to them.

This bill also authorizes additional appropriations for the Commission to complete its work. I strongly urge all of my colleagues to join me in support of this necessary and simple of legislation.

As we approach the end of the millennium, the United States has no doubt the strongest nation on the face of the earth. Our strength, however, is not limited to our military and economic might. Our nation is strong because we have the resolve to look at ourselves and our history honestly and carefully—even if the truth we find shows us in a less-than flattering light.

The Presidential Advisory Commission on Holocaust Assets in the United States is seeking the truth about the millions of Holocaust victims that came into the possession or control of the United States government. All of my colleagues should support this endeavor, and we must give the Commission the time and support it needs by supporting the U.S. Holocaust Assets Commission Extension Act of 1999.

TRIBUTE TO ARMY SPECIALIST T. BRUCE CLUFF

Mr. HATCH. Mr. President, I rise today to pay tribute to Army Specialist T. Bruce Cluff of Washington, Utah. Specialist Cluff was one of five American soldiers from the 204th Military Intelligence Battalion stationed at Fort Bliss in El Paso, Texas, who perished when their U.S. Army surveillance plane crashed in the rugged mountains of Colombia while conducting a routine counter narcotics mission in conjunction with the Colombian government.

I am deeply saddened by the loss of this fine young man while in the service of our country. This is a greater tragedy by the fact that Specialist Cluff leaves behind a wife, Meggin, and two young children, Maciah and Ryker, with another child yet to be born. My heart and my prayers go out to them as well as to their extended family.

I also acknowledge and extend my sympathies to the families of the other four American soldiers who perished in the crash. I especially hope that Meggin Cluff, her children, and the other families of these soldiers will feel the immense gratitude that we have for the sacrifice of their loved ones.

Indeed, Specialist T. Bruce Cluff and his crew mates are heroes, as are all of the men and women of our armed forces who everyday unselfishly put their lives and limb at risk to defend our great nation. Specialist Cluff and his Army unit were engaged in a different type of war. Illegal drug trafficking has become the scourge of our society, and we are determined to stop this practice at its very roots.

The men and women of our armed forces assisting in these offshore interdiction efforts will not be deterred by
the tragic loss of this aircrew. In fact, I suspect they and their families will be all the more motivated to continue the ‘‘war’’ against drug trafficking. We should all take due notice of the costs associated with this effort, including the loss of military life. We should be unrelenting in our opposition to and our pursuit and prosecution of traffickers as well as pushers of dangerous drugs.

May God bless the memories of Specialist Cluff and his fellow crew members, Mrs. Gorton and peace to their families. And may we remember and continue to defend the principles for which these brave young people fought and died for. We owe that commitment to them, to their families, and to those who will continue their work.

MICROSOFT

Mr. GORTON. Mr. President, as we approach the August recess, my constituents at Microsoft face the task of battling the Department of Justice, DoJ, as well as their competitors in the courts, while continuing to run one of the most successful companies in one of the most competitive industries in American history. I would like to share some interesting developments that have arisen since I last took to the floor of the U.S. Senate to speak to this issue.

Specifically, USA Today recently reported that the Department of Justice is inquiring as to how a possible break-up of Microsoft could be implemented. According to USA Today, unnamed senior officials at DoJ have requested a complex study, which would cost hundreds of thousands of dollars, to assess where Microsoft’s logical breakup points would be.

Mr. President, this seems to be putting the cart before the horse. I would hope that the Department of Justice has more important things on which to spend the taxpayers’ money. If not, I am aware of several programs included in the Commerce, Justice, State Appropriations bill that could use additional funding.

To put the premature nature of this action in perspective, the findings of fact that summarize the points that each side made during the testimony aren’t even due until next week. After Judge Jackson has had an opportunity to review these documents, the two sides will present closing arguments. Following the closing arguments, Judge Jackson will issue his ‘‘proposed findings of fact.’’ In response, the government and Microsoft will prepare another set of legal briefs to argue how antitrust law applies to the facts. Judge Jackson then will hear additional courtroom arguments, and finally issue his ‘‘conclusions of law’’ around November.

Should Judge Jackson rule against Microsoft, a verdict with which I would vehemently disagree, another set of hearings on possible ‘‘remedies’’ would need to be held. Those proceedings could last several weeks and involve additional witnesses, which would put a final decision off until sometime next spring. Microsoft almost certainly would appeal its case to U.S. Court of Appeals and possibly all the way to the Supreme Court—pushing the time frame out another two years.

Although the timing of this DoJ action is premature, the most intriguing aspect of the USA Today article was that the two investment banking firms approached by the DoJ to study the breakup of Microsoft declined the invitation. According to the story, both firms were ‘‘worried about the impact of siding with a Justice Department that they say is viewed in the business community as interventionist.’’ If Microsoft were a monopoly, and stifling growth in the Information Technology sector. It seems to me that these technology investment banks would have jumped at the chance to downsize Microsoft in order to open the market to competition, therefore increasing investment opportunities. This is obviously not the case.

Far from being guilty of the charges levied against it, Microsoft is actually winning cases brought by other firms charging anti-competitive behavior. Connecticut-based Bristol Technology Inc., which manufactures a software tool called Wind/U, filed a federal antitrust suit against Microsoft on August 18, 1998. Bristol accused Microsoft of ‘‘refusing to deal’’ because Microsoft wouldn’t license the source code for Windows NT® 4 under Bristol’s proposed more favorable terms. Despite never having had more than $1.5 million in net profits in their best year, Bristol was seeking up to $270 million in monetary damages.

Not unlike the suit brought by the DoJ against Microsoft, the Bristol case seemed to be driven more by those trying to gain competitive advantage than by violation of antitrust law. Bristol hired a Public Defender to set up its ‘‘David vs. Goliath’’ PR campaign while supposedly negotiating in good faith with Microsoft. A member of Bristol’s Board of Directors went so far as to send an email to the CEO and senior management discussing what Bristol was then referring to as the ‘‘we-sue-Microsoft-for-money business plan,’’ which he proposed might be funded by Microsoft competitors.

I see it as a disturbing trend to have litigation used as a get rich quick scheme instead of protecting ordinary citizens from harm. It is particularly disturbing that the United States government and Justice are abandoning a method of settling litigation that they say is viewed in the American legal system. The industry standard of settling a case out of court is being compromised. It is particularly disturbing that the United States government and Justice are abandoning a method of settling litigation that they say is viewed in the American legal system. The industry standard of settling a case out of court is being compromised.

Unfortunately, users of these competing versions could not communicate with each other until Microsoft released QuickBooks. AOL responded by shutting down the competition and complaining that the competing technology was the equivalent of hacking into the AOL system. This is the equivalent of MCI and Sprint users not being able to place long distance calls to one another.

Over the last two weeks, AOL and Microsoft have been engaged in a duel torn by routine over the ability of competing technologies to access AOL users, with Microsoft creating new versions as fast as AOL could block them. I hope that the two sides can come to an agreement soon on the development of an industry standard which will allow for open competition in the marketplace.

With AOL having a 20–1 advantage over the nearest rival in the field, they must hope that Milton Friedman’s admonition regarding the ‘‘suicidal tendencies’’ of some in the industry in supporting the DOJ’s intervention doesn’t prove prophetic. I hope that the Justice Department does not feel the
need to get involved. This industry, which is changing and advancing so rapidly, doesn’t need the government to lay down speed bumps in the road. The federal government should be fostering growth and monitoring the progress, allowing the smooth flow of the commerce of commerce to continue unimpeded.

Mr. President, I ask unanimous consent to print a recent Wall Street Journal article in the RECORD that illustrates many of the points I have made regarding the Dinosaur case against Microsoft. Once again, I implore my colleagues to join me in denouncing this folly.

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

[From the Wall Street Journal, June 30, 1999]

(By Holman W. Jenkins Jr.)

The evidentiary phase of the Microsoft lawsuit wrapped up last week, and it’s been an education. If Joel Klein were possessed of any public spirit at all, he would drop the case at now.

Yet there he was on Thursday, declaring on the courthouse steps that Microsoft represents “a profound problem” that only sparingly Justice Department remedies can fix. “If you think that Microsoft’s operating system monopoly is going to go away in two or three years,” he added, “then we shouldn’t have brought this case. But I obviously don’t believe that.”

That last bit is lawyer-speak meaning “In the real world I don’t believe what I’m saying, but in court I believe it.” Mr. Klein doesn’t want future clients to think he’s a dim bulb.

He’s got a problem. As a matter of law maybe, but certainly as a matter of doing what’s right, the evidence and events outside the courtroom have clearly shown Microsoft’s “monopoly” to be more semantic than real. This month Justice rolled out its latest ringer, an IBM manager who testified Microsoft threatened to withhold a Windows license if it couldn’t get all sorts of concessions not to promote products that compete with Microsoft’s office applications, encyclopedias, etc.

Uh-oh. When all the palaver was done, IBM said “no” and got its Windows deal anyway, and a pretty good deal at that.

The same was true of the Apple, Intel and AOL suits. That’s why the government’s case has been built entirely on the premise that Microsoft breaks the law merely by engaging in hard bargaining, never mind what its bargaining were reached or how events played out.

This might be a good time for Mr. Klein to remember that he works for us, not for Microsoft. That’s why the government’s case has been built entirely on the premise that Microsoft breaks the law merely by engaging in hard bargaining, never mind what its bargaining were reached or how events played out.

Take Larry Ellison. He was on the Neil Cavuto show talking about Bill Gates the bullying monopolist. But he hastened to add that he never bullied Oracle. But I certainly . . .

When Mr. Cavuto pressed on, suggesting that Oracle must be dead meat now that the “bully” Microsoft is about to end the line of its flagship database software, Mr. Ellison became indignant: “Well, let’s look at the facts. Right now, the fastest growing segment of my industry is the Internet. In the last year 10 largest consumer Web sites, all 10 of them use the Oracle database. In the last largest business-to-business Web sites, nine of the 10 use Oracle. None of them use Microsoft. Every single web portal, things like Lycos, Excite, Yahoo!, all use Oracle. None use Microsoft. Microsoft’s been in the database business head-on, they continue to lose. They’ve been losing share to us at a faster and faster rate over the last several years. In fact, we dominate. We almost have 100% of the Internet and it’s the Internet that’s driving the business.”

OK, Larry.

Moving along to Sun’s Scott McNealy: His partnership with AOL and Netscape has figured prominently in court, with the government suggesting that plans don’t “threaten” Microsoft. That’s not what Mr. McNealy told a trade publication, tele.com, in January. What follows is a lot of jargon, but it means Microsoft has a monopoly in nothing. “We added in Netscape and AOL as distribution channels getting Java 2 into the tens of millions of disks that AOL sells out, so that the world is going to be littered with Java 2, just on the desktop. Then you add in what’s going on in Personal Java and Java for hand and pda. In a sudden we have a very, very interesting, stable volume platform that gives any developer for the telco or ISP community a virus-free, object-oriented, smart card-to-supercomputer computer network in a scalable, down-the-experience-curve platform that allows you to interoperate with every kind of device you can imagine.”

But nobody spins like AOL’s Steve Case. In court, the story is that AOL was “bullied” into accepting a free browser from Microsoft (until then, AOL customers had to pay 40 bucks for a Netscape browser). It was “bullied” into accepting free placement on every Windows desktop.

Those desktop deans of the Internet, dwarfing everybody including Microsoft. Now AOL has bought Netscape, but as Mr. Case will smirkingly tell you, it’s up to him to decide when to dump Microsoft’s browser and begin promoting Netscape’s browser instead.

When will that happen? When he no longer cares whether Microsoft kicks him off the desktop (meaning when Microsoft can no longer hope to gain anything by kicking him off the desktop).

AOL has found a way to piggyback onto Microsoft’s platform and still get its way. If Microsoft ever wins its case against Netscape, it could sue AOL and win.

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nearly 20% of the server software market and growing.

The Connecticut lawsuit couldn’t show any harm to consumers or competition. The record supported Microsoft’s position—that its efforts to provide Windows NT has increased choice, increased features and dramatically reduced prices for customers seeking to buy high-end PCs and servers.

Fortunately for all of us, the jury in the Bristol case recognized that antitrust laws are designed to protect competition, not competitors.

It is unfortunate that the Department of Justice, joined by some state attorneys general, does not share that view. Indeed, another lesson from the Bristol case is that the selective and subjective use of out-of-context e-mail snippets, while perhaps good theater, does not prove antitrust case.

Seen in this light, the Bristol jury’s verdict ought to concern the government. Why? If the Bristol verdict illustrates anything, it’s that eight everyday consumers can recognize the intense level of competition that exists in today’s software industry and the obvious benefits of low prices and better products for consumers.

Given that reality, the government’s long battle against America’s most admired company is a waste of taxpayer money. It’s a flawed proceeding for which consumers clearly have no use.

By issuing a verdict reaffirming the pro-competitive and pro-consumer nature of today’s software industry, the Connecticut jury signaled its support of continued innovation and free-market competition.

Paul Rothstein is a professor of law at Georgetown University and a consultant to Microsoft who has studied antitrust law under a U.S. Government Fulbright grant.

CRANBERRY AMENDMENT TO AGRICULTURE APPROPRIATIONS BILL

Mr. KOHL. Mr. President, I would like to clarify that during the passage of the Agriculture Appropriations bill last night, S. 1233, Senator Gordon Smith’s amendment on cranberry marketing was adopted without the proper co-sponsorship. Mr. Smith’s cranberry marketing amendment, begun by Senator Wyden, was to be co-sponsored by Senator Wyden and myself, as well as Senators Feingold, Kerry, Kennedy, and Bingaman.

Mr. WYDEN. I thank Senator Kohl.

I appreciate the clarification and all his hard work on this issue of importance to cranberry growers across the country. When we go to conference on this bill, I will continue to support this amendment.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT CONFERENCE REPORT

Mr. REED. Mr. President, I rise tonight to express my regret that I am unable to sign the conference report on the Fiscal Year 2000 Department of Defense Authorization Act.

This was my first year as a member of the Armed Services Committee. I want to thank the Chairmen Warner and Senator Levin for their leadership and commitment to our nation’s defense. The committee provided ample opportunity for me to learn about the issues, participate in the discussion, and express my views. I believe that the process which created this bill was, overall, thoughtful and fair.

This bill has many excellent provisions. It provides for a significant increase in defense spending but allocates the funds wisely. It increases funds for research and development which we must invest in if we are to remain the world’s finest fighting force. It adds additional funds to the service’s operations and maintenance which should ease the strain of keeping our bases and equipment in good condition.

The bill also funds many of the Service Chiefs’ unfunded requirements, items, that are not flashy but are vital to military readiness.

Certainly the most important parts of this bill are those that address the issue of recruitment and retention.

This bill provides for a pay increase, restoration of retirement benefits, and special incentive pays. The bill also begins to address some of the problems identified in the military healthcare system. Our men and women in uniform work tirelessly every day to defend the principles of this country and they deserve the benefits that are included in this legislation.

I have grave concerns, however, over the sections of this bill which affect the Department of Energy. A reorganization of the agency which manages our nation’s nuclear assets should not be undertaken quickly or haphazardly.

Yet this conference report contains language which was not considered by any committee or debated on the floor of either the House or the Senate. The ramifications of these provisions are unclear. Regrettably, I am unable to support a report which contains such provisions until I have had the opportunity to study them further.

I hope that further analysis reveals that this reorganization is workable and that I will be able to vote in favor of this report. However, at this time, I am retaining my judgment and will not sign the conference report.

PET SAFETY AND PROTECTION ACT OF 1999

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for the Pet Safety and Protection Act which enjoys broad support from animal protective groups. The crucial verb here is “use.” It is the widespread use of a more producive technology that sustains accelerated productivity growth. It was steam engine, not its sales, that powered the industrial revolution.

Closer to today, in 1987, Nobel Prize winning economist Robert Solow quipped, “We see the computer age everywhere but in the productivity statistics.” Well, it looks like the computer has started showing up because the numbers, an amazing change in our economy has begun.

But the shift to e-commerce is about more than new ways to sell things; it’s about new ways to do things. It promises to transform how we do business and thereby boost productivity, the root of long term improvements in our standard of living. A recent Washington Post piece on Cisco Systems, a major supplier of Internet hardware, notes that Cisco saved $500 million last year by selling its supplies online. Imagine the productivity and economic growth spurred when more firms get efficiencies like that. That’s the point of the bill, to make sure that small businesses get those benefits too.

Electronic commerce is a new use of information technology and the Internet. Many people suspect information technology is the major driver behind the productivity and economic growth we’ve been experiencing. That crucial verb here is “use.” It is the widespread use of a more productive technology that sustains accelerated productivity growth. It was steam engine, not its sales, that powered the industrial revolution.

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of the most sophisticated users of IT, are 8% of our economy; from 1995 to 1998 they contributed 35% of our economic growth. There are also some indications that IT is now improving productivity among companies that only use IT.

But here is the real point. If we are going to sustain this productivity and economic growth, we have to spread sophisticated uses of information technology like e-commerce beyond the high tech sector and companies like Cisco Systems and into every corner of the economy, including small businesses. Back in the 1980’s, we used to debate if it mattered if we made money selling ‘potato chips’ or computer chips.” But here is the real difference: consuming a lot of potato chips isn’t good for you; consuming a lot of computer chips is.

I emphasize this because too often for discussions of government policy, technopolitical growth discussion focuses on the invention and sale of new technologies, but shortchange the all important topic of their use. Extension programs, like the electronic commerce extension program in my bill, are policy aimed at precisely spreading the use of more productive technology by small businesses.

With that in mind, the e-commerce revolution creates both opportunities and challenges for small businesses. On the one hand, it will open new markets to them. On the web, the garage shop can look as good as IBM. On the other hand, the high fixed costs, low marginal costs, and technical sophistication that can sometimes characterize e-commerce, when coupled with a good brand name, may allow larger, more established e-commerce firms to quickly move from market to market. Amazon.com has done such a wonderful job of making a huge variety of books widely available that it’s been able to expand to CDs, to toys, to electronics, to auctions. Moreover, firms in more rural or isolated areas cannot afford those sophisticated, low cost, previously distant businesses entering their market, and competing with them. Thus, there is considerable risk that many small businesses will be left behind in the shift to e-commerce. That would not be good for them, nor for the rest of us, because we all benefit when everyone is more productive and everyone competes.

The root of this problem is the fact that many small firms have a hard time identifying and adopting new technology. They are hard working, but they just don’t have the time, people, or money to understand all the different technologies they might use. And even if they do, they may not know where to turn to for help. Thus, while small firms are very flexible, they can be slow to adopt new technology, because they don’t know which to use or what to do about it. That is why we need extension programs. Extension programs give small businesses low cost, impartial advice on what technologies are out there and how to use them.

What might an e-commerce extension program do? Imagine you’re a small specialty foods retailer in rural New Mexico and you see e-commerce as a way to reach more customers. But your specialty is chiles, not computers; imagine all the questions you’d have. How is all this done? Can I still supply your stores? Can I keep hackers out of my system? What privacy policies should I follow? How do I use encryption to collect credit card numbers and guarantee customers that I’ve electronically integrated my sales orders with instructions to shippers like Federal Express? Should I band together with other local producers to form a chile cybermall? What servers, software, and telecommunications will I need and how much will it cost? Your local e-commerce extension center would answer those questions for you. And, you could trust their advice, because you would know they were impartial and had no interest in selling you a particular product.

This bill will lead to the creation of a high quality, nationwide network of non-profit organizations providing that kind of advice, analogous to the Manufacturing Extension Program, or MEP, network NIST runs today, but with a focus on e-commerce and on firms beyond manufacturers. MEP demonstrates that NIST could do this new job well.

Similarly, this bill is modeled on the MEP authorization. It retains the key features of MEP: a network of centers run by non-profits; strict merit selection; cost sharing; and periodic independent review of each center. In addition, it emphasizes serving small businesses in rural or more isolated areas, so that those businesses can get a leg up on e-commerce too. In short, this legislation takes an approach that has already been proven to work.

Practically speaking, if this bill becomes a separate authorization for an e-commerce extension program because it will have a different focus than MEP and because I do not want it to displace MEP in any way.

Mr. President, I hope my colleagues will join in supporting this important, timely, and practical piece of legislation. Just as a strong agricultural sector called for an agricultural extension service, and a strong industrial sector called for manufacturing extension, our shift to an information economy calls for electronic commerce extension.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, August 4, 1999, the Federal debt stood at $5,615,235,056,263.06 (Five trillion, six hundred fifteen billion, two hundred fifty-three million, fifty-six thousand, two hundred sixty-three dollars and six cents).

One year ago, August 4, 1998, the Federal debt stood at $5,511,741,000,000 (Five trillion, five hundred eleven billion, seven hundred forty-one million).

Five years ago, August 4, 1994, the Federal debt stood at $4,643,455,000,000 (Four trillion, four hundred thirty-three billion, four hundred fifty-five million).

Ten years ago, August 4, 1989, the Federal debt stood at $2,811,629,000,000 (Two trillion, eight hundred eleven billion, six hundred twenty-nine million). (Two trillion, eight hundred eleven billion, six hundred twenty-nine million, five hundred twenty-four million, fifty-six thousand, two hundred sixty-three dollars and six cents) during the past 10 years.

ADVANCEMENT IN PEDIATRIC AUTISM RESEARCH ACT

Mr. KENNEDY. Mr. President, I welcome the opportunity to join Senator Gorton and many other distinguished colleagues in support as an amendment to the Advancement in Pediatric Autism Research Act. Autism is a heartbreaking disorder that strikes at the core of family relationships. We need to do all we can to understand the causes of autism in order to learn how we can this tragic condition more effectively, and ultimately prevent it. I want to commend Senator Gorton, the Cure Autism Now Foundation, and the many organizations and families in Massachusetts for their impressive leadership in dealing with this important cause of disability in children. In this age of such extraordinary progress on preventing, treating and curing so many other serious and debilitating illnesses, we cannot afford to miss this unique opportunity for progress against autism as well.

Clearly, we can do more to provide support for children and families who face the tragedy of autism. At the same time, I am concerned about certain provisions in the proposed legislation which could inadvertently cause harm to children with autism and to our system of funding research.

One provision allows use of NIH funds for health care and other services that “will facilitate the participation” in research. We must be clear that research dollars should be used only to cover costs that are required to carry out research. Insurance providers should never be able to use participation in research as an excuse to avoid paying for medically necessary health care. In addition, we must be especially careful to protect vulnerable children and families from situations in which financial incentives could affect decisions about participation in research.

I am confident that we can work together to address such issues as the bill moves through Congress. I look forward to working with my colleagues,
with the advocacy organizations and with families to enact the best possible
measure to bring hope to the lives of these very special children.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to
the Senate by Mr. Williams, one of his
secretaries.

EXECUTIVE MESSAGES REFERRED

As an executive session the PRE-
SIDING OFFICER laid before the Sen-
ate messages from the President of
the United States submitting a treaty and
sundry nominations which were re-
ferred to the appropriate committees.
(The nominations received today are
printed at the end of the Senate pro-
cedings.)

PROPOSED LEGISLATION—"CENT-
RAL AMERICAN AND HAITIAN
PARITY ACT OF 1999"—MESSAGE
FROM THE PRESIDENT—PM 55

The PRESIDING OFFICER laid be-
fore the Senate the following message from the President of the United
States, together with accompanying
proposed legislation; which was re-
ferred to the Committee on Judiciary:

To the Congress of the United States:

I am pleased to transmit for your im-
mediate consideration and enactment
the "Central American and Haitian
Parity Act of 1999." Also transmitted is a section-by-section analysis. This leg-
islative proposal, which would amend
the Nicaraguan Adjustment and Central
American Relief Act of 1997 (NACARA), is part of my Administra-
tion's comprehensive effort to support
the process of democratization and sta-
bilization now underway in Central
America and Haiti and to ensure equi-
table treatment for migrants from
these countries. The proposed bill
would allow qualified national of El
Salvador, Guatemala, Honduras, and
Haiti an opportunity to become lawful
permanent residents of the United
States. Consequently, under this bill,
eligible national of these countries
would receive treatment equivalent to
that granted to the Nicaraguans and Cubans under NACARA.

Like Nicaraguans and Cubans, many
Salvadorans, Guatemalans, Hondurans,
and Haitians fled human rights abuses
or unstable political and economic con-
ditions in the 1980s and 1990s. Yet
these latter groups received lesser treatment than that granted to Nicaraguans and
Cubans by NACARA. The United States
has a strong foreign policy interest in
providing the same treatment to these
similarly situated people. Moreover, the
countries from which these mi-
grants have come are young and fragile
democracies in which the United
States has played and will continue
to play a significant role. The return
of these migrants to these countries
would place significant demands on
their economic and political systems.

By offering legal status to a number
of nationals of these countries with long-
standing ties in the United States, we
can advance our commitment to peace
and stability in the region.

Passage of the "Central American and Haitian Party Act of 1999" will evi-
dence our commitment to fair and
even-handed treatment of nationals
from these countries and to the
strengthening of democracy and eco-

nomic stability among important
neighbors. I urge the prompt and favor-
able consideration of this legislative
proposal by the Congress.

WILLIAM J. CLINTON.


MESSAGES FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by
Mr. Berry, one of its reading clerks, an-
nouncing that the House agrees to the
amendments of the Senate to the bill (H.R. 1664) making emergency supple-
cmental appropriations for military op-
erations, refugee relief, and humani-
tarian assistance relating to the con-
flict in Kosovo, and for military opera-
tions in Southwest Asia for the fiscal
year ending September 30, 1999, and for
other purposes.

At 2:11 p.m., a message from the
House of Representatives, delivered by
Mr. Berry, one of its reading clerks, an-
nouncing that the House agrees to the
report of the committee of conference
on the disagreeing two Houses on the
amendment of the Senate to the bill
(H.R. 2466) to provide for reconciliation
pursuant to sections 105 and 211 of the
concurren resolution on the budget for
fiscal year 2000.

ENROLLED BILL SIGNED

At 4:07 p.m., a message from the
House of Representatives, delivered by
Mr. Hanrahan, one of its reading clerks, an-
nouncing that the Speaker has signed the following enrolled bill:

H.R. 2465. An act making appropriations
for military construction, family housing
and base realignment and closure for the De-
signated Use of Funds, and risks in the amount of $50,000,000 or more to the
United Kingdom; to the Committee on For-
ign Relations.

EC–4532. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to
Japan; to the Committee on Foreign Rela-

tions.

EC–4530. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to
Denmark; to the Committee on Foreign Rela-

tions.

EC–4531. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to the
United Kingdom; to the Committee on For-

eign Relations.

EC–4533. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to Italy; to
the Committee on Foreign Relations.

EC–4534. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to Russia; to
the Committee on Foreign Relations.

EC–4535. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to French Guiana; to the Committee on For-

eign Relations.

EC–4536. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report on D.C. Act 13–111, “Service Improvement
and Fiscal Year 2000 Budget Support Act of
1999”; to the Committee on Governmental
Affairs.

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were
laid before the Senate, together with
accompanying papers, reports, and doc-
uments, which were referred as indi-
cated:

EC–4528. A communication from the Assist-
ant Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the report of a
certification of a proposed Manufacturing
License Agreement with the Republic of
Korea; to the Committee on Foreign Rela-
tions.

EC–4529. A communication from the Assist-
ant Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles and services under a contract in
the amount of $50,000,000 or more to
Japan; to the Committee on Foreign Rela-

tions.

EC–4530. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to
Denmark; to the Committee on Foreign Rela-

tions.

EC–4531. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to
the United Kingdom; to the Committee on For-

eign Relations.

EC–4532. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to Italy; to
the Committee on Foreign Relations.

EC–4533. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to Russia; to
the Committee on Foreign Relations.

EC–4534. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to French Guiana; to the Committee on For-

eign Relations.

EC–4535. A communication from the Assistant
Secretary, Legislative Affairs, Depart-
ment of State, transmitting, pursuant to the
Arms Export Control Act, the certification
of a proposed license for the export of de-

fense articles or services under a contract in
the amount of $50,000,000 or more to the
United Kingdom; to the Committee on For-

eign Relations.

EC–4536. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report on D.C. Act 13–111, “Service Improvement
and Fiscal Year 2000 Budget Support Act of
1999”; to the Committee on Governmental
Affairs.
in Square 507, S.O., 97–183, Act of 1999’’; to the Committee on Governmental Affairs.


EC–4543. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–131, ‘‘Extension of Certain Effective Dates for Clinical Laboratory Requirements Under CLIA’’ (RIN0938–AH82), received August 3, 1999; to the Committee on Finance.

EC–4546. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ‘‘Revenue Procedure 99–32; Conforming Amendments to Requirements Regarding Credit for Promotion and Advertising Activities’’ (Docket No. FV–99–981 FR), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4547. A communication from the Acting Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ‘‘Kiwifruit Grown in California; Changes in Minimum Size, Pack, Container, and Inspection Requirements’’ (Docket No. FV–98–920 FR), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4548. A communication from the Acting Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ‘‘Melons Grown in South Texas; Change in Container Regulation’’ (Docket No. FV–99–979 FR), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4556. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ‘‘Performance of Certain Functions by the National Futures Association with Respect to Rules 9.11’’; received July 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4557. A communication from the Acting Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ‘‘Pesticide Tolerances for Emergency Exemptions’’ (FRL # 6061–9), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4558. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘N-(4-fluorophenyl)-N-1-methylpropyl-2-(5-fluorouranyl)-1,3,4-thiadiazol-2-yloxyacetamide; Pesticide Tolerances for Emergency Exemptions’’ (FRL # 6061–9), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4559. A communication from the Acting Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ‘‘Almonds Grown in California: Revisions to Requirements Regarding Credit for
of a rule entitled “Azoxystrobin; Pesticide Tolerances for Emergency Exemptions” (FRL # 6086–9), received July 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4570. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Formaldehyde; Revocation of Exemption from the Requirement of Tolerances” (FRL # 6007–1), received July 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4572. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Final Authorization of State Hazardous Waste Management Program Revision” (FRL # 6411–2), received July 28, 1999; to the Committee on Environment and Public Works.

EC–4578. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Final Authorization of Air Quality Implementation Plans; District of Columbia; 15 Percent Plan for the Metropolitan Washington Non-attainment Area” (FRL # 6122–5), received July 29, 1999; to the Committee on Environment and Public Works.

EC–4579. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Final Authorization of State Hazardous Waste Management Program” (FRL # 6411–2), received July 28, 1999; to the Committee on Environment and Public Works.

EC–4573. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Final Authorization of State Plans for Designated Facilities; New York” (FRL # 6414–1), received August 3, 1999; to the Committee on Environment and Public Works.

EC–4574. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Lead; Requirements for Lead-Based Paint Activities in Target Housing and Related Facilities” (FRL # 6007–5), received August 4, 1999; to the Committee on Environment and Public Works.

EC–4575. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “NESHAPS: Final Standards and Hazardous Air Pollutants for Residential Waste Combustors” (FRL # 6413–3), received August 4, 1999; to the Committee on Environment and Public Works.


EC–4578. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Final Authorization of Air Quality Implementation Plans; District of Columbia; 15 Percent Plan for the Metropolitan Washington Non-attainment Area” (FRL # 6122–5), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4588. A communication from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to amend the Commercial Space Act of 1990; to the Committee on Commerce, Science, and Transportation.

EC–4589. A communication from the Trade Representative, Executive Office of the President, transmitting pursuant to law, a report relative to responses to recommendations contained in a report entitled “Building America Prosperity in the 21st Century”, issued April 1997; to the Committee on Finance.

EC–4590. A communication from the Deputy Executive Secretary, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Chlorine, Sulphur Compounds, and Nitrogen Compounds—Amends 1994 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) State Plan Requirements”, to the Committee on Finance.

EC–4591. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a rule entitled “Documentation Requirements for Matching Credit Card and Debit Card Contributions in Presidential Campaigns”, received August 4, 1999; to the Committee on Rules and Administration.

EC–4592. A communication from the Secretary for Energy, transmitting, pursuant to law, a report of the allotment of emergency funds under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Health, Education, Labor, and Pensions.

EC–4593. A communication from the Deputy Assistant Administrator, Office of Diver- sion Control, Drug Enforcement Administra- tion, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Controlled Substances Program—State Plan Requirements”, to the Committee on Rules and Administration.

EC–4594. A communication from the Assistant General Counsel for Regulatory Law, Office of Environmental Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Radioactive Waste Management; Environmental Impact Statements for Proposed Use with Radioactive Waste Management Manual” (O 435.1; M 435.1; G 435.1), received August 3, 1999; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–290. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the proposition entitled “Louisiana Conservation and Recreation Partnership Act”; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION No. 128

Whereas, Louisiana’s wetlands and estuaries provide critical habitat and valued resources for some of our nation’s premier recreational and commercial fisheries; and
Whereas, Louisiana's commercial fisheries are the most bountiful of those of the lower forty-eight states, providing a major percentage of our nation's total catch; and

Whereas, the destruction of this state's natural resources must be ever vigilent in our stewardship of these vital resources; and

Whereas, within the last fifty years, Louisiana has lost an estimated twenty-five to thirty-five square miles per year and has lost an estimated twenty-five to thirty-five square miles per year this decade. These losses represent a loss of barrier islands and wetlands that affect the pattern of salinity gradients in our bays, sounds, and inlets which is the foundation for sustaining biological productivity; and

Whereas, the United States Senator John Chaffe and United States Senator John Breaux will be introducing the Estuary Habitat Restoration Partnership Act to encourage the and funding of America's vital estuary resources; and

Whereas, the Estuary Habitat Restoration Partnership Act will provide federal matching grants, thereby encouraging state, local, and private resources to restore one million acres of estuary habitat by the year 2010.

Therefore, be it resolved That the Legislature of the State of Louisiana does hereby memorialize the United States Congress to enact the Estuary Habitat Restoration Partnership Act.

Be it further resolved, That a copy of this Resolution be forwarded to the presiding officers of the United States Senate and United States House of Representatives and to the Louisiana congressional delegation.


HOUSE CONCURRENT RESOLUTION NO. 107

Whereas, to provide the public with the convenience of increased availability of hunting and fishing licenses, many states have implemented or are in the process of implementing an electronic system for the issuance of hunting and fishing licenses; and

Whereas, generally those systems for the electronic issuance of hunting and fishing licenses allow for the issuance of all licenses and permits which are required by the state; however, no system at this time has the authority to include issuance of the federal duck stamp through its electronic system; and

Whereas, the authority to include issuance of the federal duck stamp would enable a citizen to purchase all required hunting and fishing licenses, permits, and stamps at one time, in one place, without the necessity of going to another place to purchase just the federal duck stamp; and

Whereas, legislation has been prepared which would allow each state the option of devising their own system to issue, recognize, and account for a temporary electronic federal duck stamp, valid at one time, in one place, without the necessity of going to another place to purchase just the federal duck stamp; and

Therefore, be it: Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to amend the Federal Migratory Bird Conservation Act (16 U.S.C.A. 715) to authorize certain states to issue temporary federal duck stamp privileges through electronic license issuance systems.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the United States Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–292. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the United States-Asia Environmental Partnership, the Environmental Technology Network for Asia, and the Council of State Governments' State Environmental Initiative; to the Committee on Appropriations.

Whereas, the goals of the State Environmental Initiative are to promote the transfer of environmental expertise and technology, facilitate partnerships that link Asian needs and American expertise, promote environmentally sound solutions and experience by matching the needs of Asian countries with appropriate environmental technology and state environmental regulatory experience, by informing United States environmental firms about Asian opportunities, and by sponsoring a matching grant program to encourage international partnerships.

Therefore, be it: Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to continue to support and fund the United States-Asia Environmental Partnership, the Environmental Technology Network for Asia, and the Council of State Governments' State Environmental Initiative.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–293. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the DeRidder Automated Flight Service Station; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 216

Whereas, flight service stations are general aviation air traffic control facilities that are an integral part of the national air traffic control system and are staffed with highly skilled essential government employees; and

Whereas, flight service stations provide pilot briefings, en route flight advisories, search and rescue services, assistance to lost and deserted aircraft, air traffic control clearances, originate notices to airmen, monitor pilot reports, broadcast aviation weather information, receive and process flight plans, monitor air traffic, and take weather observations, issue airport advisories, and advise Customs and Immigration officials of flights crossing national borders; and

Whereas, flight service stations provide up-to-the-minute weather information in pilot briefings by integrating and interpreting weather information from multiple sources such as satellite imagery, upper air charts, and pilot weather reports, to stay abreast of current weather trends; and

Whereas, flight service stations provide en route flight advisories which are timely and pertinent weather information bulletins prepared especially by skilled air traffic control specialists who interpret and adapt the latest weather information for the type, route, and altitude of a specific en route flight; and

Whereas, flight service stations are valuable resources that monitor flight plans and provide a means of preserving safety by initiating a chain of events using the combined efforts of several federal agencies to find aircraft that become overdue; and

Whereas, flight service stations control airspace by monitoring gliders and parachute jumps and provide emergency security
control of air traffic when emergency conditions exist which threaten national security by identifying the position of all friendly air traffic and controlling the density of air traffic moving in airspace critical to air defense operations; and

Whereas, flight service stations began as aviation support facilities known as airway radio service stations which provided local weather observations and forecasts for military aircraft in World War II and later for air mail aircraft; and

Whereas, the Air Commerce Act brought airway radio stations under the control of the Department of Commerce, and later the Civil Aeronautics Act transferred aeronautical responsibilities from the Department of Commerce to the newly created Civil Aeronautics Authority, which changed the name of the airway radio station to the airway communication station; and

Whereas, during World War II, airway communication stations provided air traffic control services to military aircraft, and the rapid growth of postwar aviation led to the Federal Aviation Act which merged the Civil Aeronautics Authority with other agencies to create the Federal Aviation Agency; and

Whereas, initially airborne pilots could only get verbatim weather reports and forecasts, but in 1961 flight service station personnel assumed the duty to provide weather information and to suggest appropriate action to avoid storms and dangerous weather conditions along their flight route; and

Whereas, during a series of fatal aviation accidents, the Federal Aviation Agency was named the Federal Aviation Administration and transferred to the Department of Transportation with a focus on upgrading radar and computer equipment to reduce weather-related aircraft accidents; and

Whereas, of increasing traffic loads, the flight service automation system was conceived to upgrade and consolidate air navigation facilities to provide better and more efficient air traffic control services; and

Whereas, in accordance with the flight service automation system, the four hundred flight service stations in the country have been consolidated into just one hundred automated flight service stations; and

Whereas, the policy of the United States that the safe operation of the airport and airway system is the highest aviation priority; and

Whereas, it is the duty of the administrator of the Federal Aviation Administration to implement this policy by maximizing the effectiveness of the air traffic control system and insuring that all air traffic control stations are adequately staffed and equipped; and

Whereas, to improve air traffic control services and increase air traffic safety, Congress passed the Airport and Airway Improvement Act of 1982, the Aviation Safety and Capacity Expansion Act of 1996, and the Air Traffic System Performance Improvement Act of 1996; and

Whereas, flight service station personnel are under a duty both pilots and their passengers to furnish accurate, complete, and current weather information and to suggest appropriate action to avoid storms and dangerous areas; and

Whereas, flight service station personnel are responsible for the consequences of placing aircraft in a position of a peril by negligent or misleading inaccurate weather information; and

Whereas, because the United States has assumed the duty to provide weather information for the protection of all travelers, it can be held liable under the Federal Tort Claims Act for the negligence of flight service station personnel who provide inaccurate information to aircraft that rely on it to their detriment; and

Whereas, all of the flight service stations in Louisiana are located into the DeRidder Automated Flight Service Station, thus making its personnel responsible for all of general aviation in the state; and

Whereas, the DeRidder Automated Flight Service Station is critical to providing general aviation aircraft in Louisiana essential information for safe and secure air travel; and

Whereas, the DeRidder Automated Flight Service Station often services the entire state with only three or four air traffic controllers who operate to cover five operational positions; and

Whereas, due to the staffing situation, the supervisor of the DeRidder Automated Flight Service Station will often have to eliminate the recorded daily broadcast of general weather information for pilots and the display of critical weather information used by pilot weather briefers; and

Whereas, additional experienced personnel have not been provided to alleviate the staffing shortage; and

Whereas, the current staff will soon begin spending more time training the new employees that are being hired to replace those that are leaving; and

Whereas, where the current air traffic becomes too great for the staff, the operational procedure is to transfer calls to another automated flight service station, which results in degrading service; and

Whereas, this degradation of air traffic control services could pose a serious safety risk to the flying public because it weakens a critical link that pilots need to assess weather conditions along their flight route; and

Whereas, considering that approximately half of all general aviation aircraft accidents are weather-related, and that Louisiana has the highest level of helicopter travel in the nation, general aviation air travelers cannot afford to rely on degraded air traffic control services.

Therefore, be it: Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are thereto necessary and fund and staff the DeRidder Automated Flight Service Station.

Therefore, be it further resolved, That a copy of this Resolution be transmitted to the preceding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

Therefore, be it further resolved, That the United States Congress is hereby memorialized to restore budget cuts to the Fiscal Year 2000 budget for the U.S. Geological Survey Water Resources Programs and particularly its State-Federal Cooperative program.

Therefore, be it further resolved, That a copy of this Resolution be forwarded to each member of the Louisiana delegation and to the presiding officer of each house of the United States Congress.

POM-286. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the installation of lighting on Interstate Highway 10 and Interstate Highway 310 in the vicinity of the intersection of Jefferson Parish, Louisiana and St. Charles, Parish Louisiana; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 76 Whereas, presently there are no lights on Interstate Highway 10 and Interstate Highway 310 at the intersection of Jefferson Parish, Louisiana, and St. Charles Parish, Louisiana; and

Whereas, this major Interstate interchange is in very close proximity to the New Orleans International Airport; and

Whereas, a person’s vision is sharply reduced at night; and

Whereas, the absence of any highway lighting presents a very real safety issue for the New Orleans International Airport; and

Whereas, pilots are unable to properly identify this major intersection and entrance to the metropolitan New Orleans area due to lack of roadway lighting; and

Whereas, lighting would provide pilots with an orderly and predictable landmark outlining where the interchange occurs; and

Whereas, such visibility would be an enhancement to both pilots and motorists alike.

Therefore, be it Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to appropriate sufficient funds to install lighting on Interstate Highway 10 and Interstate Highway 310 at the vicinity of the intersection of Jefferson Parish, Louisiana, and St. Charles Parish, Louisiana.
Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–296. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the storage and transportation of hazardous materials; to the Committee on Commerce, Science, and Transportation.

Whereas, Louisiana has more than twenty-five percent of the chemical manufacturing and processing plants in the United States; and

Whereas, this large concentration of chemical plants in this state result in many toxic and hazardous chemicals to be transported and stored in rail cars that are in close proximity to residential areas, schools, and churches; and

Whereas, accidents resulting in leaks and discharges of toxic and hazardous chemicals occur in the rail yards, due in part to the length of time that rail cars are allowed to stay in rail yards; and

Whereas, this proximity to residential areas, schools, and churches creates an unusual and exceptional risk to those persons, which federal laws and regulations do not adequately address;

Therefore, be it: Resolved, That the legislature of Louisiana does hereby memorialize the Congress of the United States to enact legislation which will aid local economies.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–298. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to school bus drivers who own their own buses and are contract employees of a school system; to the Committee on Finance.

Whereas, many school systems around the nation, including several here in Louisiana, depend upon contracts with independent school bus drivers who own their own school buses to provide the necessary transportation of students to and from school; and

Whereas, the current federal tax code does not provide for school bus drivers who own their own school buses to itemize their operational expenses and not pay income tax on reimbursement for these expenses; rather, current federal tax code requires independent owners to pay income taxes on operational expense reimbursement; and

Whereas, in the past, such operational expenses were reimbursed by school systems issued contract drivers a W2 form and a separate operational expense form and taxes were not deducted from operational expense reimbursement, payment but recent changes in the federal tax code have increased the financial burden on school bus drivers who own their own school bus, thereby making it financially impractical for school systems to find qualified, dependable drivers to safely transport children to and from school; and

Whereas, the reinstatement of such federal taxation procedures would impact the safety of school children and the efficacy of our school systems both in Louisiana and across the nation.

Therefore, be it: Resolved, That the legislature of Louisiana does memorialize the United States Congress to take appropriate legislative, including legislation, necessary to provide that operational expense reimbursement for school bus drivers who own their own buses will be exempt from federal income tax.

Be it further resolved, That a copy of this Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, and to each member of the Louisiana congressional delegation.

POM–299. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to Social Security; to the Committee on Finance.

Whereas, the term “notch” refers to the difference between social security benefits paid to people born between 1917 and 1921, and those paid to people born before and after that time; and

Whereas, the “notch” is not a plan to give some people less social security than they otherwise would have received; rather, it was a mistake in the benefit formula; and

Whereas, people born between 1910 and 1916 are getting more benefits than the “notchers” due to a windfall caused by the mistake in the benefit formula; and

Whereas, therefore, the “notchers” are receiving less benefits each year than their counterparts that were born on their own and deserve to be compensated on an equal footing with the citizens born between 1910 and 1916; and

Whereas, since 1981, at least 113 bills to redress the discrepancy in retiree benefits due to the “notch” have been filed in the United States Congress; and

Whereas a plan to compensate the “notchers” would not put an undue burden on the government as it would only apply to retirees born between 1910 and 1916, and the same social security benefits as those persons born between 1910 and 1916.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–300. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to Social Security; to the Committee on Finance.

Whereas, recipients of Social Security and other government benefits often must consider their financial status and possible loss of benefits when deciding whether to marry; and

Whereas, although a recipient is allowed to keep his or her Social Security benefits from his or her work history when he or she remarries, if his first spouse dies and he remarries before he turns sixty years of age, he loses any benefits due on his first spouse’s work record; and

Whereas, if a recipient is receiving Social Security benefits as a divorced spouse and remarries at any age, he loses benefits on the first spouse’s work record at installation.

Therefore, be it: Resolved, That the Legislature of Louisiana does memorialize the United States Congress to support the efforts of Senators Landrieu and Breaux and Representatives John, Tauzin, McCrery, Jefferson, and Cooksey to enact the Conservation and Reinvestment Act of 1999 which will aid the local economies devastated by the oil crisis.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.
Whereas, Louisiana’s state and local government employee pension plans have been carefully developed with the cooperation of the Legislature of Louisiana, employers, and employees. In some instances, the unique needs of public employees have been successfully invested in diversified investments in accordance with modern portfolio theory; and

Whereas, state and local government employees in Louisiana are covered by many different, separate retirement plans, including state retirement plans, defined benefit plans, and defined contribution plans, all of which meet applicable federal standards; and

Whereas, Louisiana fire, police, and state trooper pension plans offer benefits that are designed to address the physical demands and high risks inherent in public safety work and that are not available through the federal social security system, including lower retirement ages and comprehensive death and disability benefits; and

Whereas, it is anticipated that federal legislation will be introduced that would include a requirement that state and local government employees hired after a certain date participate in the federal social security system; and

Whereas, current estimates published by the federal Governmental Accounting Office indicate that participation by state and local government employees in the federal social security system would extend the solvency of the applicable trust funds by only two years, after which additional benefits payable to retiring state and local government employees would cause a depletion of monies in those trust funds.

Whereas, the lack of mandatory participation in the federal social security system by state and local government employees in Louisiana has not been a cause of financial problems affecting that system, and Louisiana state and local government employees receive no special or unfair benefits from that system; and

Whereas, if participation in the federal social security system is mandated for Louisiana state and local government employees, the existing state and local government plans would be an extremely complex process that is likely to result in the loss of some benefits to Louisiana state and local government employees; and

Whereas, a federal mandate that Louisiana state and local government employees participate in the federal social security system may not only threaten the integrity of the existing pension plans for such employees, but it may also affect the public safety and general welfare of the citizens of Louisiana.

Therefore, be it Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to preserve the right of state and local governments to operate pension plans for their employees in place of the federal social security system, and to develop legislation for responsible reformation of the federal social security system that does not include mandatory participation by employees of state and local governments.

Be it further Resolved, That a copy of this Resolution be transmitted to the presiding officers of the United States Senate and the United States House of Representatives and to each member of Louisiana’s delegation to the United States Congress.

POM-302. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to acute health care services in Al-
giers, Louisiana; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION No. 343
Whereas, Tenet Louisiana Healthsystem (Tenet), recently purchased JoEllen Smith Medical Center in Algiers; and

Whereas, before JoEllen Smith ever existed, the residents of Algiers always had excellent acute care services through Dr. LaRocca’s emergency clinic, which Algiers relied on to stabilize patients before they were transported to one of the area hospitals, the combination ensuring a continuum of excellent medical care; and

Whereas, with the opening of Meadowcrest Hospital, brought by the Legislature of the State of Louisiana, employers, and Thomas DeWalt, Executive Officer Secretary of the Department of Social Services, and the Honorable Mary Landrieu and the Honorable Bill Clinton, President of the United States and President of the U.S. Senate, the Honorable Trent Lott, Majority Leader of the U.S. Senate, the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives, the Honorable Mary Landrieu and the Honorable John Breaux, U.S. Senators from Louisiana, the Honorable Mike DeWine, Governor of Ohio, the Honorable Trent Lott, Majority Leader of the U.S. Senate, the Honorable Tom Daschle, Majority Leader of the U.S. Senate, the Honorable Trent Lott, Majority Leader of the U.S. Senate, the Honorable Bill Clinton, President of the United States and President of the United States Congress to the Headquarters of the United States Congress to the House of Representatives of the United States Congress and to each member of the Louisiana congressional delegation.

POM-303. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to a recent article in the Bulletin published by the American Psychological Association; to the Committee on Health, Education, Labor, and Pensions.

Whereas, the Psychology Bulletin recently published an article which claims that studies on sexual relationships between adults and children suggests that such relationships do not in general provide intensely negative effects in the vast majority of cases, particularly when the sex is consensual; and

Whereas, the study further suggests that sexual relations between adults and children does not cause intense or pervasive negative feelings in the population studied, and that sexual abuse has no inevitable or inbuilt outcome or set of emotional results; and

Whereas, the authors of the study also suggest that sexual relations between a child and an adult, if the child had a “willing encounter with a positive reaction” might be seen as consensual sexual abuse but as “adult-child sex”; and

Whereas, the views expressed in this study defy common sense, are contrary to the experience of professionals who work in the child welfare field, and are contradicted by the views of prominent researchers in the field of child sex abuse; and

Whereas, most experts believe that sexually abused children are at increased risk for such negative clinical conditions as depression, vulnerability to drug and alcohol abuse, coexisting with other self-esteem, guilt, shame, an inability to distinguish sex from love, and a higher risk of suicide; and

Whereas, pedophilia is harmful to the family unit which is the foundation of our society; and

Whereas, the reality is that so-called consensual sexual relationships between adults and children are always harmful; and

Whereas, this reality is reflected in numerous laws enacted by the Legislature of Louisiana, including child abuse laws and criminal laws which forbid the sexual exploitation of children in this way; and

Therefore, be it Resolved, That the Legislature of Louisiana condemns and rejects all claims presented in the aforementioned study which suggest that pedophilia does not produce pervasive and intensely negative effects on the vast majority of children, and the legislature further requests any future study of such negative clinical conditions as depression, vulnerability to drug and alcohol abuse, coexisting with other self-esteem, guilt, shame, an inability to distinguish sex from love, and a higher risk of suicide; and

Be it further resolved, That a copy of this Resolution shall be transmitted to the Honorable Bill Clinton, President of the United States, the Honorable Al Gore, Jr., Vice President of the United States and President of the U.S. Senate, the Honorable Trent Lott, Majority Leader of the U.S. Senate, the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives, the Honorable Mary Landrieu and the Honorable John Breaux, U.S. Senators from Louisiana, the Honorable Mike DeWine, Governor of Ohio, the Honorable Trent Lott, Majority Leader of the U.S. Senate, the Honorable Bill Clinton, President of the United States and President of the United States Congress to the Headquarters of the United States Congress to the House of Representatives of the United States Congress and to each member of the Louisiana congressional delegation.

POM-304. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the appellate jurisdiction of the federal courts regarding partial-birth abortions; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION No. 235
Whereas, Louisiana is one of twenty-five states which has recently adopted the specific medical procedure termed “partial-birth abortions”; and
Whereas, numerous other states are working this legislative session to enact the same ban; and

Whereas, federal district courts have thus far struck down laws in seventeen different states, effectively declaring that partial-birth abortions cannot be banned; and

Whereas, the issue of the federal courts into these legislative decisions concerning this medical procedure can be remedied only by federal congressional action to limit the jurisdiction of the federal courts.

Whereas, the United States Constitution does not create or regulate these inferior federal courts, but instead explicitly gives congress power to abolish them; and

Whereas, the United States Constitution makes the jurisdiction of the federal courts subject to congressional prescription through Article III, Section 2, by declaring that congress shall have appellate jurisdiction both as to law and fact with such exceptions and under such regulations as congress shall make; and

Whereas, the intent of the framers of our documents was clear on this power of congress, such as when Samuel Chase (a signer of the Declaration of Independence and a U.S. Supreme Court Justice appointed by President George Washington) declared, “The notion has frequently been entertained that the Congress have the power to derive that original jurisdiction immediately from the constitution; but the political truth is that the disposal of the judicial power (except in a few specified instances) is vested in Congress. However, congress has given the power to this court, we possess it, otherwise.”

Whereas, Justice Joseph Story, in his authoritative Commentaries on the Construction, similarly declares, “It is no rule in all cases where the judicial power of the United States is to be exercised in congress alone to understand that congress alone is free to determine the rules of proceeding, to direct the process, to declare the nature and effect of the process, and the mode, in which the judgments, consequent thereon, shall be executed.”

And if Congress may confer power, they may repeal it. . . . [The power of Congress is] complete to make exceptions”; and

Whereas, this position is confirmed not only by the signers of the Constitution themselves, such as George Washington and James Madison, but also by other leading constitutional lawyers, including Chief Justice John Rutledge, Chief Justice Oliver Ellsworth, Chief Justice John Marshall, Richard Henry Lee, Robert Yates, George Mason, Randolph, and many others.

Whereas, the United States Supreme Court has long recognized and affirmed this power of congress, to limit the appellate jurisdiction of the federal courts, as in 1847 when the court declared that “the court possesses no appellate power in any case unless conferred upon it by act of Congress” and in 1865 when it declared that “it is for Congress to determine how far its appellate jurisdiction shall be given; and when conferred, it can be exercised only to the extent and in the manner prescribed.”

Whereas, congress has on numerous occasions exercised this power to limit the jurisdiction of the federal courts, and the Supreme Court has consistently upheld this power of congress in rulings over the last two centuries, including cases in 1847, 1866, 1868, 1876, 1882, 1883, 1898, 1901, 1904, 1905, 1910, 1912, 1922, 1928, 1948, 1962, 1966, 1973, 1977, etc.; and

Whereas, it is Congress alone which can remedy this current crisis and return to the states the like of their own decisions on partial-birth abortions by excepting this issue from the appellate jurisdiction of the federal courts.

Therefore be it: Resolved, That the Legislature of Louisiana respectfully appeals to the Congress of these United States to limit the appellate jurisdiction of the federal courts regarding the specific medical practice of partial-birth abortions.

Be it further resolved, That a copy of this resolution be transmitted to each member of the United States House of Representatives, the President of the United States Senate, and the Chief Clerical Officers of the United States House of Representatives and the United States Senate.

POM-306. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Mississippi River Gulf Outlet; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION No. 266

Whereas, the construction and opening of the Mississippi River Gulf Outlet (“Mr. Go”) in 1963 destroyed a 415-foot wide, 37 mile long strip of wetlands and swamps in St. Bernard Parish, and the channel has been further widened to two thousand feet through years of ship traffic wakes eating away at the banks of the channel; and

Whereas, because there are no longer natural levees formed by windind bayous, water from the Gulf of Mexico moves straight up “Mr. Go” until it were a superhighway for storm surges caused by hurricanes and other less severe storms, and such influx of water results in increased flooding in St. Orleans Parish, and Plaquemines Parish; and

Whereas, because of the destruction of wetlands, in addition to the construction of the Mississippi River Gulf Outlet, there is increased saltwater intrusion which, in turn, has resulted in increased destruction of marshes and freshwater swamps surrounding Lake Borgne; and

Whereas, because of the saltwater intrusion, the hydrology and animal and plant life of the Lake Pontchartrain, Breton Se Sealeas, and basins have been drastically altered, “dead zones” have been created, and seafood yields have been drastically reduced; and

Whereas, hurricane impact in addition to the impact from “Mr. Go” make Plaquemines, Orleans, and St. Bernard parishes particularly vulnerable to severe hurricane damage and tropical storms and, in fact, tidal surges have already been measured at speeds of over 18 feet per second; and

Whereas, the port has been maintained by dredging the channel, including $35 million spent to dredge the channel after Hurricane Georges swept tons of silt into the channel which, for the $35 million spent, a seventeen dollar increase, they are meeting to discuss the possibility of phasing out the Mississippi River Gulf Outlet.

Therefore, be it resolved, That the Legislature of Louisiana does hereby memorialize the U.S. Congress to appoint a task force to develop a process and plan for the timely closure of the Mississippi River Gulf Outlet.

Be it further resolved, That the task force consist of a policy committee and a technical advisory committee and that, within the time frame of the Kosovo situation, the task force design and develop a program to phase out the Mississippi River Gulf Outlet with a focus on public safety; maintenance of the economic viability and safety of the Gulf Outlet; fishery protection, preservation, protection, and restoration of wetlands and wetlands habitat.
Whereas, sending military ground troops to fight against Yugoslav military and security forces increases the possibility that young American soldiers will be injured or killed and become casualties of war; and

Whereas, this injustice and discrimination can only be corrected by legislation which, if enacted into law, will ensure that America's commitment to a strong military in pursuit of national and international goals is a reflection of the sacrifice of those who sacrifice on behalf of those goals.

Therefore, be it: Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to ensure that United States military service personnel under the age of twenty and not more than twenty years in any compact operations carried out by ground troops in Yugoslavia.

Be it further resolved, That a copy of this resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-308. A resolution adopted by the State of Louisiana relative to the compensation of retired military personnel; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 720: A bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democracy and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes (Rept. No. 106-139).

By Mr. HATCH, from the Committee on the Judiciary.

Report to accompany the bill (S.1255) to protect consumers and promote electronic commerce by amending certain trademark infringement, and counterfeit and related laws, and for other purposes (Rept. No. 106-140).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 97: A bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance (Rept. No. 106-141).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 798: A bill to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security, and for other purposes (Rept. No. 106-142).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 199: A bill for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

S. 275: A bill for the relief of Suchada Kwong.

By Mr. HATCH, from the Committee on the Judiciary:

S. 452: A bill for the relief of Belinda McGregor.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 489: A bill to provide for the punishment of methamphetamine laboratory operators, to provide additional resource to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 232: A bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a committee was submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Mervyn M. Mosbacher, Jr., of Texas, to be United States Attorney for the Southern District of Texas for the term of four years. (The above nomination was reported with the recommendation it be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MACK (for himself, Ms. MIKULSKI, Mr. GRAMM, Mr. WELLSTONE, and Mr. GRASSLEY):

S. 1499. A bill to title XVIII of the Social Security Act to promote the coverage of frail medicare beneficiaries currently residing in nursing facilities in specialized health insurance programs for the frail elderly; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. Domenici, Mr. Dascile, Mr. KIRBY, Mr. INOUYE, Mr. Bingaman, Mr. Cochran, Ms. Mikulski, Mr. Burns, Mrs. Boxer, Mr. McCain, Mr. Bunning, Mr. Jeffords, Mr. Robb, Mr. Santorum, Mr. Dodd, and Mrs. Feinstein):

S. 1500. A bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain Medicare beneficiaries residing in nursing facilities in specialized health insurance programs for the frail elderly; to the Committee on Finance.

By Mr. MCCAIN:

S. 1501. A bill to improve motor carrier safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself and Mr. JOHNSON):

S. 1502. A bill to amend the Federal Election Campaign Act of 1971 to require mandatory spending limits for Senate candidates and limits on independent expenditures, to ban soft money, and for other purposes; to the Committee on Rules and Administration.

By Mr. THOMPSON (for himself and Mr. Lieberman):


By Mr. HARKIN (for himself and Mr. Specter):

S. 1504. A bill to improve health care quality and reduce health care costs by establishing a National Fund for Health Research
that would significantly expand the Nation’s investment in medical research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THURMOND:
S. 1506. A bill to suspend temporarily the duty on cyclic olefin copolymer resin; to the Committee on Finance.

By Mr. CAMPBELL:
S. 1507. A bill to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribes, and for other purposes; to the Committee on Indian Affairs.
S. 1508. A bill to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes; to the Committee on Indian Affairs.
S. 1509. A bill to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes; to the Committee on Indian Affairs.
By Mr. McCAIN (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mr. MUKOSHI):
S. 1510. A bill to revise the laws of the United States pertaining to United States cruise vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.
By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. DODD, Mr. ROBS, Mr. LEVIN, Mrs. MURRAY, and Mr. DASCHLEY):
S. 1511. A bill to provide for education infrastructure improvement, and for other purposes; to the Committee on Commerce, Health, Education, Labor, and Pensions.
By Mr. MCCAIN:
S. 1512. A bill to provide educational opportunities for disadvantaged children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.
By Mr. THOMPSON:
S. 1513. A bill for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas; to the Committee on the Judiciary.
By Mr. CAMPBELL:
S. 1514. A bill to provide that countries receiving foreign assistance be conducive to United States' interests; to the Committee on Foreign Relations.
By Mr. HATCH (for himself, Mr. DASCHLEY, Mr. CAMPBELL, Mr. BINGA, and Mr. KENNEDY):
S. 1515. A bill to amend the Radiation Exposure Compensation Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.
By Mr. THOMPSON (for himself and Mr. LEIBERMAN):
S. 1516. A bill to amend title III of the Stewart-Brecher Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes; to the Committee on Governmental Affairs.
By Mr. ALLARD:
S. 1517. A bill to amend title XVIII of the Social Security Act to ensure that Medicare beneficiaries have continued access under current contracts to managed health care by extending the Medicare cost contract program for 3 years; to the Committee on Finance.
By Mr. RAYH:
S. 1518. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to long-term caregivers; to the Committee on Finance.
By Mr. COVERDELL (for himself, Mr. ROBB, and Mr. ABAHAM):
S. 1519. A bill to amend the Small Business Act to extend the authorization for the drug-free workplace program; to the Committee on Small Business.
By Mr. SMITH of Oregon (for himself, Mrs. BOXER, Mr. GRAMS, and Mr. STEWART):
S. 1520. A bill to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize funding for the Committee on Banking, Housing, and Urban Affairs.
By Mr. SANTORUM:
S. 1521. A bill to require the Secretary of Transportation, through the Congestion Mitigation and Air Quality Program, to make grants to a non-profit organization for the purpose of developing a design for a proposed pilot program relating to the use of telecommuting as a means of reducing emissions from the sale of certain precursors to ground level ozone; to the Committee on Commerce, Science, and Transportation.
By Mr. AKAKA:
S. 1522. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.
By Mrs. LINCOLN:
S. 1523. A bill to provide a safety net for agricultural producers through improvement of the conservation assistance loan program, expansion of land enrollment opportunities under the conservation reserve program, and maintenance of opportunities for foreign trade in agricultural and forest commodities; to the Committee on Agriculture, Nutrition, and Forestry.
By Mr. BREAUX:
S. 1524. A bill to amend title 49, United States Code, to provide for the creation of a certification program for Motor Carrier Safety Specialists and certain informational materials for use in Motor Carrier safety programs; to the Committee on Commerce, Science, and Transportation.
By Mrs. MURRAY (for herself and Mr. INOUYE):
S. 1525. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of its claims concerning its contribution to the production of hydropower by the Grand Coulee Dam, under the Federal Power Act; to the Committee on Indian Affairs.
By Mr. ROCKEFELLER (for himself, Mr. ROBS, Mr. SARRHANES, Mr. KERRY, Mr. LEVIN, and Mr. DASCHLEY):
S. 1526. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities; to the Committee on Finance.
By Mr. REED:
S. 1527. A bill to amend section 429 of the Communications Act of 1934 to enhance the protections against unauthorized changes in subscriber selections of telephone service providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.
By Mr. LOTT (for himself, Mr. DASCHLEY, Mr. CHAFEE, Mrs. LINCOLN, Mr. WARNER, and Mr. BAUCUS):
S. 1528. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify Liability under that Act for certain recycling transactions; to the Committee on Environment and Public Works.
By Mr. FRIST (for himself and Mr. ROBS):
S. 1529. A bill to amend title XVIII to expand the Medicare Payment Advisory Commission to 19 members and to include on such commission individuals with national recognition for their expertise in manufacturing and distributing finished medical goods; to the Committee on Finance.
By Mr. GREGG:
S. 1530. A bill to amend the Family and Medical Leave Act of 1993 to clarify the Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.
By Mr. DURBIN (for himself, Mr. LEVIN, Mr. SCHUMER, and Mr. MOYNIHAN):
S. 1531. A bill to amend the act establishing Women’s Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York; to the Committee on Energy and Natural Resources.
By Mr. HARKIN (for himself, Mr. LEVIN, Mr. SCHUMER, and Mr. MOYNIHAN):
S. 1532. A bill to amend the Internal Revenue Code of 1986 to restrict the sale or other transfer of armor piercing ammunition and components of armor piercing ammunition disposed of by the Army; to the Committee on Armed Services.
By Mr. KERREY (for himself and Mr. ROBERTS):
S. 1533. A bill to amend the Federal Food, Drug, and Cosmetic Act to require warning labels on certain wine; to the Committee on Commerce, Science, and Transportation.
By Ms. SNOWE (for herself and Mr. MCCAIN):
S. 1534. A bill to reauthorize the Coastal Zone Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.
By Mr. GRAMS:
S. 1535. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under part B of the Medicare program, and for other purposes; to the Committee on Finance.
By Mr. DEWINE:
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; to the Committee on Health, Education, Labor, and Pensions.
By Mr. CHAFFEE (for himself and Mr. SMITH of New Hampshire):
By Mr. LEAHY (for himself, Mr. JEFFORDS, Mrs. HUTCHISON, Mr. FEINGOLD, and Mr. MOYNIHAN):
S. 1538. A bill to amend the Communications Act of 1934 to clarify State and local authority to regulate the placement, construction, and modification of broadcast transmission and telecommunications facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.
By Mr. DODD (for himself and Mr. DEWINE):
S. 1539. A bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.
By Mr. JOHNSON:
S. 1540. A bill to amend the Internal Revenue Code of 1986 to correct the inadvertent failure in the Taxpayer Relief Act of 1997 to apply the exception for developable sites to Empowerment Zone and Enterprise Communities; to the Committee on Finance.
S. 1541. A bill to amend the Employee Retirement Income Security Act of 1974 to require employers to include in their annual information statements by plans with qualified cash or deferred arrangements, and for other purposes; to the Committee on Finance.
By Mr. DURBIN:
S. 1554. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, California, to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMENCI (for himself and Mr. KENNEDY):
S. 1555. A bill to provide sufficient funds for the research necessary to enable an effective public health approach to the problems of youth suicide and violence, and to develop ways to intervene early and effectively with children and adolescents who suffer depression or other mental illness, so as to avoid the tragedy of suicide, violence, and long-term illness and disability; to the Committee on Health, Education, Labor, and Pension.

By Mr. REED (for himself, Mrs. MURRAY, Mr. KENNEDY, Mr. HARKIN, and Mr. BINGAMENCI):
S. 1556. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen the involvement of parents in the education of their children, and for other purposes; to the Committee on Health, Education, Labor, and Pension.

By Mr. HUTCHISON:
S. 1557. A bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury to issue regulations covering the practices of enrolled agents; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. HAYAKI):
S. 1558. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:
S. 1559. A bill to amend title 49, United States Code, the safety of motor carrier operations and the Nation's highway system, including highway-rail crossings, by amending existing safety laws to strengthen commercial motor carrier operations to improve safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMENCI (for himself and Mr. MCCAIN):
S. 1560. A bill to establish the Shivwits Plateau National Conservation Area; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM:
S. 1561. A bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances for a national awareness campaign, and for other purposes; to the Committee on Judiciary.

By Mr. DURBIN:
S. 1553. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.

By Mr. REID:
S. 1552. A bill to eliminate the limitation on judicial jurisdiction imposed by section 377 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on Judiciary.
CONGRESSional Record—S10391

August 5, 1999

By Mr. ASHCROFT:

S. Con. Res. 52. A concurrent resolution expressing the sense of Congress in opposition to a "bit tax" on Internet data proposed in the Human Development Report 1999 published by the United Nations Development Programme; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself, Ms. MUKULSKI, Mrs. BOXER, Mr. AKAKA, Mr. RINGMAN, and Mr. SARAHINES):

S. Con. Res. 53. A concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself, Ms. MUKULSKI, Mr. GRAMS, Mr. WELLSTONE, and Mr. GRASSLEY):

S. 1499. A bill to title XVIII of the Social Security Act to promote the coverage of frail elderly Medicare beneficiaries permanently residing in nursing homes in specialized health insurance programs for the frail elderly; to the Committee on Finance.

MEDICARE'S ELDERLY RECEIVING INNOVATIVE TREATMENTS (MERIT) ACT OF 1999

Mr. MACK. Mr. President, today I am pleased to join my colleagues, Senator MUKULSKI, Senator WELLSTONE, and Senator GRASSLEY, in sponsoring the Medicare's Elderly Receiving Innovative Treatments (MERIT) Act of 1999.

This legislation ensures that frail elderly persons residing in nursing homes continue to have the opportunity for improved quality of care and better health outcomes provided by the EverCare program. This program is reimburmed by Medicare on a capitated fee basis to managed care organizations that deliver preventive and primary medical care geared to the special needs of this population. Care is given by nurse practitioner/physician primary care teams which also coordinate care when the patient is hospitalized. Ideally, as much care as possible is provided at the nursing home thus preventing the expense of hospitalization.

The Balanced Budget Act of 1997 (BBA) requires that the Health Care Financing Administration (HCFA) to establish a new risk-adjusted methodology for payments to health plans which is to go into effect on January 1, 2000. An interim risk adjusted payment will be based on inpatient hospital encounter data. However, an unintended consequence of this methodology may be a dramatic drop in EverCare payments by more than 25 percent, according to Long Term Care Data Service study. This would jeopardize the program, which is currently comprised of demonstration and non-demonstration components, since providers could not afford to remain in business. HCFA recognized the possibility of this and did grant an exemption from the interim methodology for one year, 2000-2001. HCFA, however, has not yet presented a methodology that would be fair and adequate to ensure the continuance of EverCare.

This legislation exempts programs serving the frail elderly living in nursing homes from the phased in risk-adjustment payment methodology and continues payments using the current primary care teams. It directs HCFA to develop a distinct payment methodology which meets the needs of these patients and to establish performance measurement standards. It also allows the frail elderly to join EverCare on a continual basis without regard to enrollment periods.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE

This Act may be cited as the "Medicare's Elderly Receiving Innovative Treatments (MERIT) Act of 1999.

SEC. 2. MODIFICATION OF PAYMENT RULES.

Section 1853 of the Social Security Act (42 U.S.C. 1395w-23) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "subsections (e) and (f)" and inserting "subsections (e) through (i)";

(B) in paragraph (3)(D), by inserting "and paragraph (4) after "section 1856e(a)(4);" and

(C) by adding at the end the following:

"(4) EXEMPTION FROM RISK-ADJUSTMENT SYSTEM FOR FRAIL ELDERLY BENEFICIARIES ENROLLED IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—

"(A) IN GENERAL.—During the period described in subparagraph (B), the risk-adjustment methodology described in paragraph (3) shall not apply to a frail elderly Medicare+Choice beneficiary (as defined in section 1856e(a)(3)) who is enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in subsection (2)).

"(B) PERIOD OF APPLICATION.—The period described in this subparagraph begins with January 2000, and ends with the first month of the period for which the Secretary certifies to Congress that a comprehensive risk adjustment methodology under paragraph (3)(C) (that takes into account the factors described in subsection (1)(1)) is being fully implemented.; and

(2) by adding at the end the following:

"(I) DEVELOPMENT AND IMPLEMENTATION OF NEW PAYMENT SYSTEM.—The Secretary shall develop and implement (as soon as possible after the date of enactment of this Act) a payment methodology for frail elderly Medicare+Choice beneficiaries enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in paragraph (2)(A)). Such methodology shall account for the prevalence, mix, and severity of chronic conditions among such beneficiaries and shall include medical diagnostic factors from all provider settings (including hospital and nursing facility settings). It shall include functional indicators because such other factors as may be necessary to achieve appropriate payments for plans serving such beneficiaries.

(II) SPECIALIZED PROGRAM FOR THE FRAIL ELDERLY DESCRIBED.—

"(A) IN GENERAL.—For purposes of this part, the term 'specialized program for the frail elderly' means a program which the Secretary determines—

"(i) is offered under this part as a distinct part of a Medicare+Choice plan option for frail elderly Medicare+Choice beneficiaries; and

"(ii) has a clinical delivery system that is specifically designed to serve the special needs of such beneficiaries, primarily short-term and long-term care for such beneficiaries through the use of a team described in subparagraph (B) and the provisions of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

(B) SPECIALIZED TEAM.—A team described in this subparagraph includes—

"(I) a physician; and

"(II) a nurse practitioner or geriatric care manager, or both; and

"(III) has members individuals who have special training and specialize in the care and management of the frail elderly beneficiaries.

"(III) FRAIL ELDERLY MEDICARE+CHOICE BENEFICIARY DESCRIBED.—For purposes of this part, the term 'frail elderly Medicare+Choice beneficiary' means a Medicare+Choice eligible individual who—

"(A) is residing in a skilled nursing facility or other long term care facility for an indefinite period and without any intention of residing outside the facility; and

"(B) has a severity of condition that makes the individual frail (as determined under guidelines approved by the Secretary)."

SEC. 3. CONTINUOUS OPEN ENROLLMENT FOR QUALIFIED INDIVIDUALS.

(a) In General.—Section 1853(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) is amended by adding at the end the following:

"(7) SPECIAL RULES FOR FRAIL ELDERLY MEDICARE+CHOICE BENEFICIARIES ENROLLED IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—There shall be a continuous open enrollment period for any frail elderly Medicare+Choice beneficiary (as defined in section 1853(h)(3)) who is seeking to enroll in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in section 1853(h)(2)).

(b) CONFORMING AMENDMENTS.—

(1) OPEN ENROLLMENT PERIODS.—Section 1853(e)(6) of the Social Security Act (42 U.S.C. 1395w-21(e)) is amended by adding at the end:

"(A) by redesignating subparagraph (B) as subparagraph (C); and

"(B) by striking "and" at the end;

"(2) by redesignating subparagraph (B) as subparagraph (C); and

"(C) by inserting at the end of subparagraph (A) the following:}
(B) that is offering a specialized program for the frail elderly (as defined in section 1853(i)(2)), shall accept elections at any time for purposes of enrolling frail elderly Medicare beneficiaries (as defined in section 1853(i)(3)) in such program; and 

(2) EFFECTIVENESS OF ELECTIONS.—Section 1853(f)(4) of the Social Security Act (42 U.S.C. 1395w–21(c)(4)) is amended by inserting at the end the following: 

"(e) IN GENERAL.—Section 1853(i)(2), shall accept elections at any time and 

(3) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 4. DEVELOPMENT OF QUALITY MEASURE- MENT PROGRAM.

(a) IN GENERAL.—Section 1852(e) of the Social Security Act (42 U.S.C. 1395w–22(e)) is amended by adding at the end the following:

"(5) SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY AS PART OF MEDICARE+CHOICE PLANS.—The Secretary shall develop and implement a program to measure the quality of care provided in specialized programs for the frail elderly (as defined in section 1853(i)(2)) in order to reflect the unique health and social needs of frail elderly Medicare+Choice beneficiaries (as defined in section 1853(i)(3)).

Such quality measurements may include indicators of the prevalence of pressure sores, reductions in wound healing, urinary catheter use, anxiety medications, use of advance directives, incidence of pneumonia, and incidence of congestive heart failure.

(b) EFFECTIVE DATE.—The Secretary of Health and Human Services shall first provide for the development of the quality measurement program for specialized programs for the frail elderly under the amendment made by subsection (a) by not later than July 1, 2000.

Mr. HATCH. (for himself, Mr. DOMENICI, Mr. DASCHELLE, Mr. KERRY, Mr. INOTHE, Mr. BING, Mr. COCHRAN, Ms. MIKULSKI, Mr. BURNS, Mrs. BOXER, Mr. MCCONNELL, Mr. BUNNING, Mr. JEFFORDS, Mr. ROBB, Mr. SANTORUM, and Mr. DODD) S. 1508 amends title VIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility service, and for other purposes; to the Committee on Finance.

MEDICARE BENEFICIARY ACCESS TO QUALITY NURSING HOME CARE ACT OF 1999

Mr. HATCH. Mr. President, I rise today along with the distinguished Chairman of the Budget Committee, Senator DOMENICI, and other colleagues in introducing the “Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999.” This bill will help ensure that Medicare beneficiaries will continue to have access to vital nursing home services.

When Congress passed the Balanced Budget Act of 1997, the BBA, we created a new prospective payment system (PPS) for skilled nursing facilities (SNF). While the industry generally believed they could implement a new case mix methodology within this time frame.

In response to concerns expressed to me by HCFA over Y2K problems and the difficulty of any systems’ changes and other problems, the difficulty of any systems’ changes and other problems, we created an additional payment system which is now beginning to affect patient care.

We have an obligation to Medicare beneficiaries, and particularly those in nursing homes as well as those who need to gain admission to nursing homes, to correct this problem. This legislation is designed specifically to address the problem with patient access to nursing home care.

First, the bill provides additional monies to care for the so-called high-acuity SNF patients who require non-therapy ancillary services for conditions such as cancer, hip fracture, and stroke.

Second, with respect to the market basket update, the bill closes the gap between the inaccurate inflation market basket estimate and the actual cost increases between fiscal years 1995 and 1998.

It is my understanding that both solutions could be easily implemented by HCFA.

Mr. President, let me focus more specifically on each of the two provisions.

With respect to non-therapy ancillary care, the bill proposes to add-on additional monies under the federal per diem rate for 15 categories of care. We are now finding that high-acuity and medically complex patients are being short-changed, because the current case-mix system does not accurately measure or account for patients with high medical complexities which utilize greater ancillary services.

HCFA has acknowledged that they do not have accurate data to properly compensate for such non-therapy ancillary care. According to HCFA, they believe that more accurate data reflecting the case-mix for sicker patients should be available in 2001.

Unfortunately, we now know that beneficiaries are having difficulty receiving non-therapy ancillary care today. For some, waiting 2 years for the HCFA data is simply not an option.

Accordingly, the “Medicare Beneficiary Access to Quality Nursing Home Care Act” will provide interim relief until HCFA has developed more complete and accurate data. The bill provides additional funds for 15 RUGS III categories, or the so-called resource utilization groups.

These RUGS were chosen because they represent categories of services that closely match the diagnoses for high-acuity patients. Such additional funds would only be required for a two-year period, or less, until the Secretary of Health and Human Services has corrected the data to properly reflect the costs of non-therapy ancillary care.

It is my understanding that HCFA believes they can implement a new case mix methodology within this time frame.

In response to concerns expressed to me by HCFA over Y2K problems and the difficulty of any systems’ changes at the time of the PPS implementation, my bill provides for a simple, temporary add-on federal dollars to the federal per diem component.
two solutions that HCFA can implement today without being mired in Year 2000 compliance efforts.

I would add that I am pleased that the Chairman of the Finance Committee, Senator Roth, has indicated his interest in moving a bipartisan BBA technical bill following the August recess.

I have written to Senator Roth asking him to carefully review our skilled nursing facility (SNF) bill as he develops a BBA technical corrections bill over the next several weeks. I strongly believe this bill serves as a viable option on so many nursing homes are facing today.

I ask unanimous consent that the complete text of the bill be printed in the RECORD.

Mr. President, I want to express my thanks to my colleague and good friend, Senator Domenici, for his valued help in developing the bill with me as well as to the many others Senators who have joined us today as cosponsors.

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

S. 1500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the "Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999".

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) Beneficiaries under the Medicare program under title XVIII of the Social Security Act are experiencing decreased access to skilled nursing facility services due to inadequate reimbursement under the prospective payment system for such services under section 1888(e) of such Act.

(2) Such inadequate reimbursement may force some nursing homes to close their doors, resulting in reduced access to skilled nursing facility services for Medicare beneficiaries.

(3) The methods used under the prospective payment system for skilled nursing facility services has made it more difficult for Medicare beneficiaries to find nursing home care.

(4) The Health Care Financing Administration has indicated that the prospective payment system for skilled nursing facility services does not accurately account for the costs associated with providing medically complex care (non-therapy ancillary services and supplies). Due to Year 2000 problems, the Health Care Financing Administration claims that it will be unable to properly account for such costs under such system.

(5) The Medicare Payment Advisory Commission (MedPAC) has indicated that reimbursements to skilled nursing facilities under the Medicare program may not be adequate for beneficiaries who need relatively high levels of non-therapy ancillary services and supplies.

(6) In order to provide adequate payment under the prospective payment system for skilled nursing facility services, such system must take into account the costs associated with providing 1 or more of the following services:
   (A) Ventilator care.
   (B) Tracheostomy care.
   (C) Care for pressure ulcers.
   (D) Care associated with individuals that have experienced hip fracture.
   (E) Care for non-vent, non-trach pneumonia.
   (F) Dialysis.
   (G) Infusion therapy.
   (H) Deep vein thrombosis.
   (I) Care associated with individuals with transient peripheral neuropathy, a chronic obstructive pulmonary disease, congestive heart failure, diabetes, a wound infection, a respiratory infection, sepsis, tuberculosis, HIV, or cancer.

(7) It is a temporary legislative solution is necessary in order to ensure that Medicare beneficiaries with complex conditions continue to receive access to appropriate skilled nursing facility services.

(8) The skilled nursing facility market basket increase over the last 3 years evidences a critical payment gap that exists between the actual cost of providing services to Medicare beneficiaries residing in a skilled nursing facility and the reimbursement levels for such services under the prospective payment system, as adopted by the Health Care Financing Administration, in establishing the skilled nursing facility market basket index under section 1888(e)(4)(A) of the Social Security Act only accounted for the cost of goods, but not for the costs of services, as such section requires.

SEC. 3. MODIFICATION OF CASE MIX FUNDING CONDITIONS.

(a) In General.—For purposes of applying any formula under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395vyy(e)) applicable to such fiscal year, the Administrator of Health and Human Services shall increase the adjusted Federal per diem rate otherwise determined under such section by 1 percent.

(b) Effective Date.—The amendments made by this section shall apply to such fiscal year.

SEC. 4. MODIFICATION TO THE SNF UPDATE TO THE BASE RATE.

(a) In General.—Section 1888(e) of the Social Security Act (42 U.S.C. 1395vyy(e)) is amended—

(1) in paragraph (3)(B)(i), by striking "minus 1 percentage point"; and

(2) in paragraph (4)(B), by striking "reduced (on an annualized basis) by 1 percentage point".

(b) Effective Date.—The amendments made by subsection (a) shall apply to services provided on or after October 1, 1999.

Mr. DOMENICI. Mr. President, I rise today to join with Senator HATCH in introducing the "Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999." I am convinced that this bill is urgently needed to assure our senior citizens have access to quality nursing home care through the Medicare program.

We can all take a certain amount of pride in the bipartisan Balanced Budget Act of 1997, which contained the most sweeping reforms for Medicare since the program was enacted in 1965. These reforms have extended the solvency of the program through 2015 and brought new health coverage options to seniors throughout the country.

However, it should come as no surprise that legislation as complex as the Balanced Budget Act (BBA), as well as its implementation by the Health Care Financing Administration, has produced some unintended consequences that need to be corrected.

That is exactly the situation in the case of nursing homes. The transition to the Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs) that was contained in the BBA is seriously threatening access to needed care for seniors all across the country.

In May, 63 Senators joined with me in sending a bipartisan appeal to the Secretary of Health and Human Services urging her to address the growing crisis in the nursing home industry through administrative action. To date, we have received no direct response from the Secretary on this matter, nor has the Health Care Financing Administration (HCFA) shown any willingness to address the problem.

With time quickly running out on many nursing home operators, I believe Congress must act before it is too late to assure our seniors will continue to have access to quality nursing home care.

Let me note that Congress is not alone in believing there is a problem here. Dr. Gail Wilensky, the Chair of the Medicare Payment Advisory Commission, recently testified before the Senate Finance Committee that some Medicare patients are having difficulty accessing care in skilled nursing facilities.

Dr. Wilensky went on to say that the current reimbursement system adopted by HCFA does not adequately account for patients requiring high levels of nontherapy ancillary services and supplies.
In New Mexico, there are currently 81 nursing homes in the state serving about 6,000 patients, and I am convinced that the current Medicare payment system, as implemented by HCFA, simply does not provide enough funds to cover the costs being incurred by the families when they care for our senior citizens.

For rural states like New Mexico, corrective action is critically important. Many communities in my state are served by a single facility that is the only provider for many miles. If such a facility were to close, patients in that home would be forced to move to facilities much farther away from their families. Moreover, nursing homes in smaller, rural communities often operate on a razor thin bottom line, and, for them, the reductions in Medicare reimbursements have been especially devastating.

The legislation we are introducing today would go a long way toward restoring stability in the nursing home industry. It would increase reimbursement rates through two provisions.

First, a 2-year period, the bill modestly increases payments for high acuity conditions, like cancer, hip fracture, stroke, and chronic disease. HCFA expects that they will have the data to more properly reflect the high costs of these cases in the payment system.

Second, the bill eliminates the one percent budget adjustments and requires annual inflation update for all reimbursement rates for skilled nursing facilities.

I look forward to working with Senator HATCH and the other cosponsors of this bill in pushing for passage of this critical legislation when we return in September.

By Mr. McCaIn.

S. 1039 would improve motor carrier safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The Motor Carrier Safety Improvement Act of 1999

Mr. McCaIn. I am pleased to introduce the Motor Carrier Safety Improvement Act of 1999. This measure is designed to remedy certain weaknesses regarding the Federal motor carrier safety program as identified by the Department of Transportation's Inspector General (DOT IG) in April 1999. The Motor Carrier Safety Improvement Act also contains several new initiatives intended to advance safety on our nation's roads and highways.

The bill would establish a separate Motor Carrier Safety Administration within the DOT. That agency would be responsible for carrying out the Federal motor carrier safety enforcement and regulatory responsibilities currently held by the Federal Highway Administration. It would be headed by an administrator appointed by the President and confirmed by the Senate.

To guard against increasing the already bloated Federal bureaucracy, the bill would cap employment and funding at the levels currently endorsed by the Administration for motor carrier safety activities. This legislation also recognizes the significant differences between truck operations and passenger carrying operations and accordingly, it would give the new agency the discretion to develop a separate system of rules and enforcement for the trucking industry.

Aside from organizational issues, the Motor Carrier Safety Improvement Act also requires DOT to implement all the IG's recently issued truck safety recommendations. DOT has indicated that it will act on some of the recommendations, but it has failed to articulate a definitive action plan to implement all of the IG's recommendations. We should not risk the consequences of ignoring the IG's recommendations and this bill would require action to eliminate the identified safety gaps at DOT. In addition, it would authorize additional funding as requested by the IG to address safety shortcomings. It also includes a number of items to address truck safety and enforcement, including provisions to strengthen the Commercial Drivers License Program, to improve data collection activities and to promote the accurate exchange of driver information among the states.

I want to take a moment to share my colleagues how I reached the decision to develop this measure. In the last Congress, a comprehensive package of motor carrier and highway safety provisions was enacted as part of the Transportation Equity Act for the 21st Century (TEA-21). This package was developed over a two-year period. Throughout the 105th Congress, the primary impediment faced by the Committee on Commerce, Science, and Transportation when crafting our highway safety legislation was an insufficient allocation of contract authority from the highway trust fund. Despite this serious constraint, the Committee did succeed in raising the authorizations for motor carrier and highway safety programs. At the same time, the Committee also succeeded in incorporating into TEA-21 almost every safety initiative brought to the Committee's attention.

Several months after TEA-21 was signed into law, I asked the IG to assess a proposal to move the then Office of Motor Carriers (OMC) of the Federal Highway Administration (FHWA) to the National Highway Traffic Safety Administration (NHTSA). The proposal was being advanced by the Chairman of the House Appropriations Subcommittee on Transportation who was concerned about OMC's effectiveness in overseeing the safety of our nation's truck and bus industries, concerns I share overall.

The proposal, originally contained in an appropriations bill, was eliminated when it was brought to the House Floor. Consequently, I was surprised to learn of its resurrection as a line item in early drafts of the conference report on the Omnibus Appropriations Act for fiscal year 1999. I remind my colleagues that the transfer had never been included in any House or Senate-passed legislation, nor had any of the authorizing Committees of jurisdiction ever been asked to consider it at all in the 105th Congress.

Rather than enact measures that have surface appeal, it is the responsibility of the Congress to ascertain whether the proposal would be effective. I felt it very important that we first determine whether NHTSA was the most appropriate entity to oversee truck safety before requiring it to take on such critical yet unfamiliar responsibilities. That is why I asked for the IG's counsel.

I chaired a hearing in April at which the IG released his report and offered several ways to improve motor carrier safety. The IG's report does not endorse this proposal for the following reasons:

1. The IG found that leadership at DOT is lagging and in need of serious improvement.

2. The IG found that the Office of the Secretary would not be the appropriate entity to carry out the IG's counsel.

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These findings are based on the IG's report on his 1999 audit of the Motor Carrier Safety Improvement Act and are the result of a comprehensive review of the IG's report.

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The proposal, originally contained in an appropriations bill, was eliminated when it was brought to the House Floor. Consequently, I was surprised to learn of its resurrection as a line item in early drafts of the conference report.
By Mr. REED:

S. 1502. A bill to amend the Federal Election Campaign Act of 1971 to require mandatory spending limits for Senate candidates and limits on independent expenditures, to ban soft money, and for other purposes; to the Committee on Rules and Administration.

THE CAMPAIGN SPENDING CONTROL ACT OF 1999

Mr. REED. Mr. President, I rise today to discuss legislation I am introducing, the Campaign Spending Control Act of 1999. I introduced similar legislation in 1997. Unfortunately, in the last two years we have only seen the financial excesses of our campaign system grow, further disenfranchising and disillusioning voters. If our government is to regain the confidence and participation of the electorate, enactment of this legislation is more necessary today than it was two years ago.

Mr. President, two independent public policy groups recently released surveys gauging the public's opinion of their federal government. The news, once again, was not good for our democracy.

Earlier this month the Council for Excellence in Government released a nonpartisan poll, conducted by respected pollsters Peter Hart and Robert Teeter, which demonstrated that less than four in ten Americans now believe that President Lincoln's refrain, that our government is "of, by, and for the people," is accurate. The past disillusionment with government was directed at so-called "unaccountable bureaucrats," today most Americans blame the moneyed special interests and the politicians and their political parties for the fact that government is not accountable to the average citizen. Patricia McInnis, the Council's President, characterized the poll as demonstrating that "we have an anemic democracy, badly in need of involvement and ownership by its citizens."

Back in January of this year the Center on Policy Attitudes, released a nonpartisan poll which showed continued record high public dissatisfaction with government. This finding is disconcerting given that our nation is experiencing an unprecedented economic boom coupled with military security. Nonetheless, the Center's study showed that less than one in three Americans "trust government in Washington to do what is right" most of the time. The study concludes that "[t]he public's dissatisfaction with the US government is largely due to the perception that elected officials, acting in their self-interest, give priority to special interests and partisan agendas, over the interests of the public as a whole." Specifically, the survey found that three in four Americans believe that the government is "run for the benefit of a few big interests."

Mr. President, I believe that the biggest culprit fueling the public perception that politicians, political parties, and representational government is beholden to special interests, not the needs of the average citizen, is our campaign financing system. When politicians depend upon wealthy special interests, which represent less than one percent of the citizenry, for the political contributions that fuel campaigns the public's voice will not, cannot, be heard, never mind addressed.

The 1996 elections produced record spending: over 2.7 billion dollars, or approximately 28 dollars per voter. All this money produced record-low voter participation. These two tragic facts are inextricably linked. Most Americans believe our current campaign system is tainted by a flood of special interest money, drowning out their voice, making their participation meaningless, and leaving their concerns unaddressed.

Mr. President, unfortunately, the excesses of 1996 were only multiplied in 1998. Funded by unregulated, unlimited donations of "soft money," the use of unaccountable "issue ads" tripled. Without the ability to check either the facts or the sponsors of these ads, Americans became more cynical and less likely to participate. Candidates, on the other hand, are forced to raise money to not only match the resources and the advertising, of their opponent, but also outside groups that are running "issue ads."

Those challenging sitting Members of Congress are most disadvantaged by our financing system: in 1998 almost half of the House of Representatives faced opponents with little or no funding. The money chase saps a candidate's time, limiting the ability and incentive to debate, attend forums, and otherwise engage voters. Even the donors dislike the current system: with many corporate leaders announcing their opposition to, and unwillingness to participate in, the current system. We are trapped in a system that no one, not the public, not the candidates, not the donors, thinks proper.

The roots of this abysmal situation can be traced to a misguided Supreme Court decision in Buckley v. Valeo, a 1976 case which challenged the 1974 campaign reform legislation, the Court held that, in order to avoid corruption, or its appearance, political contributions could be limited. However, the Court invalidated campaign expenditure limits. The Court surmised that, given the contribution limit reform, expenditure limits were not only unnecessary but would stifle unlimited and in-depth debate stimulated by greater campaign spending. This conjecture has been proven absolutely false by our twenty years of practical experience.

The single most important step to reform elections and revitalize our democracy is to reverse the Buckley decision by limiting the amount of money that a candidate or his allies can spend.

For this reason Senator JOHNSON and I are introducing legislation which directly challenges the Buckley decision and places mandatory limits on all campaign expenditures. These limits do not favor incumbents. Historically, these limits would have restricted almost four out of five incumbents, while impacting only a handful of challenges. Additionally, this legislation would fully ban corporate contributions, as well as unlimited and unregulated contributions by wealthy individuals and organizations. Further, our bill would limit campaign expenditures by supposedly, neutral, independent groups, and restrict labor unions, and other organizations from influencing campaigns under the guise of issue advocacy. The end result of this legislation would be to eliminate over a half-billion dollars from the system, encourage challenges to incumbents, and further promote debate among both candidates and the electorate.

What effect would these limits have on political debate? Contrary to the Supreme Court, I believe such limits would increase dialogue. Candidates would be free from the burdens of unlimited fundraising and would be required to inform voters and potential voters they were running while asking the public to invest the time needed to learn about the issues and candidates and then vote. They would no longer have to compete with the irresponsibly unlimited money spent by special interests.

Some of the most extreme defenders of our current campaign financing system will argue that this legislation impinges upon freedom of speech. In analyzing this criticism it is important to remember that the vast majority of Americans, ninety-six percent, have never made a political contribution. The bill will marginally restrict the rights of a few to contribute and spend money—not speak—so that the majority of voters might restore their faith in the process. Campaign finance laws will be directed at so-called "unaccountable bureaucrats," today most Americans blame the moneyed special interests and the politicians and their political parties for the fact that government is not accountable to the average citizen.
which addressed runaway campaign expenditures with voluntary spending limits. Yet, there are also reasons to be optimistic about implementation of substantial campaign reform.

Reform has broad public support and has grown as a major grass-roots initiative outside of Washington, DC. Elected officials from thirty-three states have urged that the Buckley decision be revisited and limits implemented. Legislative bodies in Ohio and Vermont have implemented sweeping reform by enacting mandatory caps on candidate expenditures. Other states, such as my own, have embraced public financing as a more modest, but significant, means of reform. On election day in 1998 voters in Arizona and Massachusetts approved significant reforms, both of which would ban so-called “soft money” as well as encourage contribution and spending limits through voluntary public financing. Currently, campaign finance reform is enacted or being pursued in more than forty states. While significant reform may be a major step for Congress; our constituents and their state and local representatives are implementing important reform throughout the nation. Unfortunately, because of the overly restrictive and confused jurisprudence flowing from the Buckley decision, many of these popular initiatives face years of special interest challenge in court. Indeed, the most effective reforms will, most likely, be struck down by trial courts. While I enthusiastically support any substantive reform, if we are to address the underlying cancer which has disintegrated voter trust and participation, the problem of unlimited expenditures must be directly confronted. As I have already stated, this is a step that one municipality and two states have embraced. Many more state officials as well as prominent constitutional law scholars have urged such expenditure limitations. These expenditure limitations have been proposed by Congressional reformers in the past, and it is time to reexamine and confront the ways in which we have failed to reexamine the fundamental holding of Buckley, will stimulate the Court to provide greater deference to legislatures that seek to address the threat that campaign finance, and the cynicism it promotes, poses to our democracy.

Once such leeway has been provided, the Court will be forced to revisit its holding that spending money is the functional equivalent to speaking. Experience since this 1976 decision should force the Court to realize that while money fuels speech, at some point, financial expenditures only increase a speaker’s volume. Spending has now reached a shrill pitch that the vast majority of Americans want addressed. Elected representatives in thirty-three states and countless grassroots officials agree with this sentiment. The legislation I have introduced today will implement such reform, restoring rules to our system that encourage public participation, and thus stimulating faith in our democracy. I thank Senator Johnson for his support in this endeavor.

Mr. President, I would ask that a copy of this bill be printed in the RECORD.

The bill follows:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Campaign Spending Control Act of 1999.”

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Statement of purpose.
Sec. 3. Findings of fact.

TITLE I—SENATE ELECTION SPENDING LIMITS

Sec. 101. Senate election spending limits.

TITLE II—COORDINATED AND INDEPENDENT EXPENDITURES

Sec. 201. Adding definition of coordination to definition of contribution.
fundraising, arising to a large extent, from candidates adopting a defensive “arms race” posture of constant readiness against the risk of massively financed attacks against whatever the opposing candidate may say or do.

(6) The current campaign finance system has had a deleterious effect on those who hold public office. Deceptive fundraising pressures intrude upon the performance of constitutionally required duties. Capable and dedicated officials have left office in dismay over the fundraising pressures and the negative public perceptions that the fundraising process engenders and numerous qualified citizens have declined to seek office because of the prospect of having to raise the extraordinary amounts of money needed in today’s elections.

(7) The requirement for candidates to raise funds, the average 1996 expenditure level required a successful Senate candidate to raise more than $12,099 a week for 6 years, significantly impedes on the ability of Senators and other officeholders to tend to their official duties, and limits the ability of candidates to interact with the electorate while also tending to professional responsibilities.

(8) As talented incumbent and potential public figures are forced from elected office in Congress because of such fundraising pressures, the quality of representation suffers as seats are left unoccupied that are necessary to devote full attention to matters of the Government by the campaign financing system.

(9) Contribution limits are inadequate to control all of these trends and as long as campaign spending is effectively unregulated, supporters can find ways to protect their preferred candidates from being outspent. Since 1976, major techniques have been found and exploited to get around and evade contribution limits.

(10) Techniques to evade contribution limits include personal spending by wealthy candidates, independent expenditures that assist or attack an identified candidate, media campaigns by corporations, labor unions, and nonprofit organizations to advocate the election or defeat of candidates, and the use of national, state, or local political parties to contribute money that assists or attacks such candidates.

(11) Wealthy candidates may, under the present Federal campaign financing system, spend as much money as they want out of their own resources and while such spending may not be self-corrupting, it introduces the very defects the Supreme Court wanted to avoid.

(12) Experience shows that there is an identity of interest between candidates and political parties because the parties exist to support the candidates from out of party resources and the candidates cannot resist this support.

(13) Political spending that is called “independent” support, whether by individuals, committees, or other entities, can be and is conditioned with the particular candidate’s campaign by means of tacit understandings without losing its nominally independent character and, similarly, contributions to political parties, or the spending for “party-building” purposes, can be and are often routed, by undisclosed design, to the support of identified candidates.

(14) A case-by-case detection of coordination between candidate, party, and independent contributor is, as a practical matter, impossible in a fast-moving campaign environment.

(15) So-called “issue advocacy” communications, by or through political parties or independent contributors, need not advocate expressly for the election or defeat of a named candidate in order to cross the line into election campaign advocacy; any clear, ascertainable effect, even if such that voters may readily observe where their electoral support is invited, can suffice as evidence of intent to impact a Federal election campaign.

(16) When State political parties or other entities operating under State law receive or spend “issue advocacy” funds, only State, not Federal, limitations are necessary and proper for the effective regulation of Federal election campaigns.

(17) The exorbitant level of money in the political system has served to distort our democracy by giving some contributors, who constitute less than 3 percent of the citizenry, the appearance of favored access to elected officials determining the ability of ordinary citizens to petition their Government. Concerns over the potential for corruption and undue influence, and the appearance of the guaranty of the traditional freedom of the press to report the candidate dialogue with constituents, and circumscribe the most egregiously high spending levels, so as to be a bulwark against future campaign finance excesses and the resulting voter disenfranchisement.

TITLE I—SENATE ELECTION SPENDING LIMITS

SEC. 101. SENATE ELECTION SPENDING LIMITS.

(a) In General.—The aggregate amount of expenditures made in connection with a primary election by a Senate candidate and the candidate’s authorized committee shall not exceed 95 percent of the effective level of competition expenditure limit under subsection (d).

(b) PRIMARY ELECTION EXPENDITURE LIMIT.—The aggregate amount of expenditures made in connection with a primary election by a Senate candidate and the candidate’s authorized committee shall not exceed 95 percent of the primary election expenditure limit under subsection (d).

(c) RUNOFF ELECTION EXPENDITURE LIMIT.—The aggregate amount of expenditures made in connection with a runoff election by a Senate candidate and the candidate’s authorized committee shall not exceed 95 percent of the runoff election expenditure limit under subsection (d).

(d) GENERAL ELECTION EXPENDITURE LIMIT.—

(1) IN GENERAL.—The aggregate amount of expenditures made in connection with a general election by a Senate candidate and the candidate’s authorized committee shall not exceed—

(A) $1,182,500; or

(B) $500,000; plus

(i) 37.5 cents multiplied by the voting age population in excess of 4,000,000; and

(ii) 31.25 cents multiplied by the voting age population in excess of 4,000,000.

(2) EXCEPTION.—In the case of a Senate candidate in a State that has more than 1 television station licensed to operate in that State, paragraphs (1)(A) and (1)(B) shall be applied by substituting—

(A) $1,182,500 for 37.5 cents in clause (i); and

(B) $500,000 for 31.25 cents in clause (ii).

(3) INDEXING.—The monetary amounts in paragraphs (1) and (2) shall be increased as of the beginning of each calendar year based on the increase, for such year, in the price index determined under section 315(c), except that the base period shall be calendar year 1999.

(4) EXEMPTED EXPENDITURES.—In determining the amount of funds expended for purposes of this section, there shall be excluded any amounts expended for—

(A) Federal, State, or local taxes with respect to earnings on contributions raised; and

(B) legal and accounting services provided solely in connection with complying with the requirements of this Act.

(5) RECORDING.—Each political party shall submit to the Clerk of the Senate a recount of the results of a Federal election or an election contest concerning a Federal election.

(6) (payments made to or on behalf of an employee of a candidate’s authorized committee for employee benefits—
"(A) including—
   "(i) health care insurance; 
   "(ii) retirement plans; and 
   "(B) not including salary, any form of compensation, or amounts intended to reimburse the employee.".

TITLE II—COORDINATED AND INDEPENDENT EXPENDITURES

SEC. 201. ADOPTING DEFINITION OF COORDINATION TO DEFINITION OF CONTRIBUTION.

(a) Definition of Contribution.—Section 301(b)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(b)) is amended—

(1) in paragraph (A),—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

""(iii) a payment made for a communication or anything of value that is for the purpose of influencing an election for Federal office and that is a payment made in coordination with a candidate;""; and

(2) by adding at the end the following:

""(C) Payment Made in Coordination With.—The term 'payment made in coordination with' means—

""(i) a payment made by any person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any particular understanding with, a candidate, a candidate's authorized committee, an agent acting on behalf of a candidate or a candidate's authorized committee, or an agent acting on behalf of a candidate or a candidate's authorized committee, an agent acting on behalf of a candidate or a candidate's authorized committee; 

""(ii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate or the candidate's authorized committee (not including a communication described in paragraph (9) and (10) of section 315(a)) another person; 

""(iii) payments made based on information about the candidate's plans, projects, or needs provided to the person making the payment by the candidate, the candidate's authorized committee, or an agent of a candidate or a candidate's authorized committee.";

(b) Conforming Amendments.—

(1) in section 315(a)(7)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)(B)) is amended to read as follows:

""(B) in clause (ii) by striking the period and inserting "; and"; and

(C) by adding at the end:

""(3) in paragraph (3), by inserting "coordinated" after "make any"; and

(C) by adding at the end the following:

""(4) in paragraph (4), by inserting ""making both coordinated expenditures and independent expenditures"" after ""the term 'independent expenditure' means an expenditure with respect to the candidate,""; and

\[\text{SEC. 202. TREATMENT OF CERTAIN COORDINATED AND INDEPENDENT EXPENDITURES.}\]

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following:

""(a) in paragraph (1), by striking ""(2) and (3) of this subsection"" and inserting ""(2), (3), and (4) of this subsection""; and

(b) in paragraph (3), by inserting "coordinated" after "make any"; and

(C) by adding at the end:

""(4) in paragraph (4), by inserting ""making both coordinated expenditures and independent expenditures"" after ""the term 'independent expenditure' means an expenditure with respect to the candidate,""; and

\[\text{SECTION 203. LIMIT ON INDEPENDENT EXPENDITURES.}\]

(a) in general.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following:

""(i) in the case of a political committee that makes independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $15,000; or

(ii) in the case of a political committee not described in clause (i), in the aggregate, exceed $5,000;"

\[\text{SECTION 204. LIMIT ON INDEPENDENT EXPENDITURES.}\]

(a) in general.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following:

""(i) in the case of a political committee that makes independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $15,000; or

(ii) in the case of a political committee not described in clause (i), in the aggregate, exceed $5,000;"

\[\text{SECTION 205. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.}\]

(a) in general.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following:

""(A) in general.—A committee shall not make both coordinated and independent expenditures in excess of $5,000 and an independent expenditure with respect to the same candidate during an election cycle.

""(B) Certification.—Before making a coordinated expenditure in excess of $5,000 in connection with a general election campaign of a candidate, a committee of a political party that is subject to this subsection shall file with the Federal Election Commission a certificate, signed by the treasurer, stating that the committee will not make independent expenditures with respect to such candidate.

""(C) Authorization of Committee.—A committee that certifies under this paragraph that the committee will make coordinated expenditures with respect to any candidate shall not, in the same election cycle, make a transfer of funds to, or receive a transfer of funds from, any other party committee unless that committee has certified under this paragraph that it will not make independent expenditures with respect to candidates.

""(D) Definition of Coordinated Expenditure.—In this paragraph, the term 'coordinated expenditure' means the total amount of all expenditure, including payments made in coordination with such party, that will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $20,000; or

""(E) Additional Notification.—A candidate who has increased an expenditure limit under paragraph (1) shall notify the Commission of each additional increase in increments of $50,000.""
(A) contains express advocacy; and

(B) is made without the participation or cooperation of, or without consultation with, or without coordination with a candidate or a candidate's chief campaign committee (within the meaning of section 301(b)(8))."

(2) EXPRESS ADVOCACY.—Section 301 of Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by section 202(c), is amended by adding at the end the following:

"(a) National Committees.—A national committee (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, maintained, or controlled by a national committee or its agent, an officer acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity (but not including an entity directly or indirectly established, maintained, financed, or controlled directly or indirectly by any candidate for Federal office or any individual holding Federal office) and the following:

"(i) a communication that conveys a message that advocates the election or defeat of a clearly identified candidate for Federal office by using an expression such as 'vote for,' 'elect,' 'support', 'vote against,' 'defeat,' 'reject,' '(name of candidate) for Congress,' 'vote pro-life,' or 'vote pro-choice,' accompanied by a listing or picture of a clearly identified candidate described as 'pro-life' or 'pro-choice,' 'reject the incumbent,' or an expression susceptible to no other reasonable interpretation but an unmistakable and unambiguous exhortation to vote for or against a specific candidate; or

"(ii) a communication that is made through a print, medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising and that—

"(A) is made on or after a date that is 90 days before the date of a general election of the candidate;

"(B) that refers to the character, qualifications, or accomplishments of a clearly identified candidate, group of candidates, or candidate of a clearly identified political party; and

"(C) that does not have as its sole purpose an attempt to urge action on legislation that has been introduced in or is being considered by a legislature that is in session.

SEC. 301. SOFT MONEY OF POLITICAL PARTY COMMITTEE.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101(a), is amended by adding at the end the following:

"SEC. 325. SOFT MONEY OF PARTY COMMITTEES.——

"(a) NATIONAL COMMITTEES.—A national committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, maintained, financed, or controlled by a national committee or its agent, an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity (but not including an entity directly or indirectly established, maintained, financed, or controlled by any such national, State, district, or local committee or its agent, an officer acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity) during a calendar year in which a Federal election is held, for any activity described in subsection (b), shall not solicit, receive, or transfer any contributions, donations, or transfers of funds, or spend any funds, that are subject to the limitations, prohibitions, and reporting requirements of this Act.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—Any amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee, or by an officer or agent acting on behalf of any such committee or entity) during a calendar year in which a Federal election is held, for any activity described in subsection (b), shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) ACTIVITY EXCLUDED FROM PARAGRAPH (1).——

"(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

"(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

"(ii) the costs of a State, district, or local political convention;

"(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of such individual's time on activity during the month in which the expenses were incurred, or in the case of a Federal election except that for purposes of this clause, the non-Federal share of a party committee's administrative and overhead expenses) shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the party committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question.

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office, and

"(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

"(B) FUNDRAISING COSTS.—Any amount spent by a national, State, district, or local committee, by an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party, by a candidate for Federal office or any individual holding Federal office that is used, in whole or in part, to pay the costs of an activity described in paragraph (1) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(C) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, and local committee of a political party (including a national congressional campaign committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity) shall not solicit any funds for or make any disbursement to an organization that is exempt from Federal taxation under section 501(c) of the Internal Revenue Code of 1986.

"(D) EXCEPTIONS.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not—

"(A) solicit, receive, transfer, or spend funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;

"(B) solicit, receive, or transfer funds that are to be expended in connection with an election other than a Federal election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office or

"(C) solicit, receive, or transfer any funds on behalf of any person who is not subject to the limitations, prohibitions, and reporting requirements of this Act for use in financing any campaign-related activity or any communication that refers to a clearly identified candidate.

"(E) EXCEPTION.—Paragraph (1) shall not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee."

SEC. 302. STATE PARTY GRASSROOTS FUNDS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431a(1)) is amended—

"(1) in subparagraph (B), by striking "or" at the end and inserting "or"; and

"(2) in subparagraph (C), by striking the period at the end and inserting "or"; and..."
(3) by inserting after subparagraph (C) the following:

"(D) to—

"(i) a State Party Grassroots Fund established by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000; or

"(ii) any other political committee established by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000.";

(b) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by section 206(b), is amended by adding at the end the following:

"(22) GENERIC CAMPAIGN ACTIVITY.—The term ‘generic campaign activity’ means a campaign activity that promotes a political party and does not refer to any particular candidate or for a Federal, State, or local office.

"(23) STATE PARTY GRASSROOTS FUNDS.—The term ‘State Party Grassroots Fund’ means a separate segregated fund established and maintained by a State committee of a political party for purposes of making expenditures and other disbursements described in section 326(d)."

(c) STATE PARTY GRASSROOTS FUNDS.—Title II of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 301, is amended by adding at the end the following:

"SEC. 301. STATE PARTY GRASSROOTS FUNDS.

`(a) DEFINITION.—In this section, the term ‘State or local candidate committee’ means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

`(b) TRANSFERS.—Notwithstanding section 313(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if the district or local committee—

`(1) has established a separate segregated fund; and

`(2) uses the transferred funds solely for disbursements and expenditures under subsection (d).

`(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

`(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (d) that are for the benefit of the candidate for whom such Fund was established shall be treated as meeting the requirements of section 326(b)(1) and section 304(e) if—

`(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in paragraphs (1)(A) and (2)(A) of section 313(a); and

`(B) the State or local candidate committee—

`(i) maintains, in the account from which such transfers are made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

`(ii) certifies that the requirements were met.

`(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

`(A) a State or local candidate committee’s cash on hand shall be treated as consisting of the funds most recently received by the committee; and

`(B) the committee must be able to demonstrate, on a cash on hand basis, whether the committee contains funds meeting those requirements sufficient to cover the transferred funds.

`(d) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall file the reports of requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transferred funds or expenditures under this Act."

"(2) DISBURSEMENTS AND EXPENDITURES.—A State committee of a political party shall only make disbursements and expenditures from the State Party Grassroots Fund of such committee for—

`(1) any generic campaign activity;

`(2) payments described in clauses (iv), (ix), and (x) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

`(3) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B) and clause (ix) of paragraph (9)(B) of section 301 on behalf of candidates other than for President, Vice President, or House of Representatives; and

`(4) voter registration; and

`(5) development and maintenance of voter files during any even-numbered calendar year.

SEC. 303. REPORTING REQUIREMENTS.

`(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended, is amended by adding at the end the following:

`(i) a POLITICAL COMMITTEE.—

`(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the period, whether or not in connection with an election for Federal office.

`(2) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

`(b) OMISSIONS EXCEPTED.—With respect to which section 302 applies.—A political committee (not described in paragraph (1)) to which section 325(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (1) and (2)(iii) of section 325(b).

`(c) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

`(d) PREPARATION.—If a national committee has receipts or disbursements to which this subsection applies, the national committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

`(e) REPORTS REQUIRED TO BE FILED UNDER THIS SUBSECTION.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).

`(f) DISBURSEMENTS SUBJECT TO THE DEDUCTION OF CONTRIBUTION.—Section 301(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(b)), as amended—

`(1) by striking clause (viii) and (x) through (xii), respectively;

`(2) reports by State committees—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended, by adding at the end of said subsection (a), is amended by adding at the end the following:

__(i) FILING OF STATE REPORTS.—In lieu of an annual report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under this Act, which report, if submitted, need contain less detailed information if it determines such reports contain substantially the same information.

__(ii) OTHER REPORTING REQUIREMENTS.—

__(A) AUTHORIZED COMMITTEES.—Section 303(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

__(i) by striking “and” at the end of subparagraph (i); and

__(ii) by inserting “and” at the end of subparagraph (i); and

__(C) by adding at the end the following new subparagraph:

__(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;

__(2) NAMES AND ADDRESSES.—Section 303(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting “, and the election to which the operating expenditure relates” after “operating expenditure.”

SEC. 304. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by subsection 303, is amended by adding at the end the following:

"(g) ELECTION ACTIVITY OF PERSONS OTHER THAN POLITICAL PARTIES.—

__(1) IN GENERAL.—A person other than a committee of a political party that makes aggregate disbursements totaling in excess of $100,000 with respect to activities described in paragraph (2) shall file a statement with the Commission—

__(A) within 48 hours after the disbursements are made; or

__(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

__(2) ACTIVITY.—The activity described in this paragraph is—

__(A) any activity described in section 316(b)(2)(A) that refers to any candidate for Federal office, any political party, or any Federal election; and

__(B) any activity described in subparagraph (B) or (C) of section 316(b)(2).

__(3) ADDITIONAL STATEMENT.—An additional statement shall be filed each time additional disbursements aggregating $10,000 or more are made by a person described in paragraph (1).

__(4) APPLICABILITY.—This subsection does not apply to—

__(A) a candidate or a candidate’s authorized committee; or

__(B) an independent expenditure.

__(5) CONTENTS.—A statement under this section shall contain such information about the disbursements as the Commission shall prescribe, including—

__(A) the name and address of the person or entity to whom the disbursement was made;

__(B) the amount and purpose of the disbursement; and

__(C) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party.

TITLE IV—ENFORCEMENT

SEC. 401. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(a)) is amended.
by striking paragraph (1) and inserting the following:

'(11) FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.—

'(A) IN GENERAL.—The Commission may promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

(i) may maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect, to aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

(ii) may maintain and file a designation, statement, or report in that manner if not required to do so under regulations prescribed under clause (1).

'(B) FACSIMILE MACHINE.—The Commission shall promulgate a regulation that allows a person to file a designation, statement, or report required by this Act through the use of facsimile machines.

'(C) VERIFICATION OF SIGNATURE.—

'(i) IN GENERAL.—In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature in a document being filed) for verifying a designation, statement, or report covered by the regulations.

'(ii) TREATMENT OF VERIFICATION.—A document delivered or mailed by any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

SEC. 402. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1)'' before ''The Commission''; and

(2) by adding at the end the following:

'(2) RANDOM AUDITS.—

'(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

'(B) LIMITATION.—The Commission shall not institute an audit or investigation of a candidate’s authorized committee under subparagraph (A) until the candidate has not run for a Federal election in the United States in the preceding calendar year in electronic form accessible by computers if the person has, or has reason to expect, to aggregate contributions or expenditures in excess of $10,000 or an amount equal to $15,000 or an amount equal to 300 percent''.

SEC. 403. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

'(13) AUTHORITY TO SEEK INJUNCTION.—

'(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

''(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

''(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

''(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

''(iv) the public interest would be best served by the issuance of an injunction; the Commission may institute a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

'(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur;

'(2) in paragraph (7), by striking ''(5) or (6)'' and inserting ''(5), (6), or (13)''; and

'(3) in paragraph (11), by striking ''(6)'' and inserting ''(5), (6), (7), or (13)''.

SEC. 404. INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.

Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking ''the greater of $10,000 or an amount equal to 200 percent'' and inserting ''the greater of $15,000 or an amount equal to 300 percent''.

SEC. 405. PROHIBITION OF CONTRIBUTIONS BY INDIVIDUALS NOT QUALIFIED TO VOTE.

(a) PROHIBITION.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding ''AND INDIVIDUALS NOT REGISTERED TO VOTE'' at the end; and

(2) in subsection (A)—

'(a) IT SHALL'' and inserting the following:

'(a) PROHIBITIONS.—

'(1) FOREIGN INDIVIDUALS.—It shall''; and

'(B) by adding at the end the following:

'(2) INDIVIDUALS NOT QUALIFIED TO VOTE.—

''It shall be unlawful for an individual who is not qualified to register to vote in a Federal election to make a contribution, or to promise expressly or impliedly to make a contribution, in connection with a Federal election; for any person to knowingly solicit, accept, or receive a contribution in connection with a Federal election from an individual who is not qualified to register to vote in a Federal election .''.

(b) INCLUSION IN DEFINITION OF IDENTIFIABLE ENTITY.—Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

'(A) The name of each authorized committee shall include the name of the candidate for the office sought by the candidate.''.

(c) EXPEDITED PROCEDURE.—

'(A) 60 DAYS PRECEDING AN ELECTION.—If the complaint in a proceeding is filed within 60 days immediately preceding a general election, the Commission may take action described in this paragraph.

'(B) RESOLUTION BEFORE ELECTION.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, is about to occur, or is in the process of occurring and it appears that the requirements for relief stated in clauses (i), (iii), and (iv) of paragraph (13)(A) are met, the Commission may—

'(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

'(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

TITLE V—SEVERABILITY, REGULATIONS, EFFECTIVE DATE

SEC. 501. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 502. REGULATIONS.

The Federal Election Commission shall promulgate any regulations required to carry out this Act and the amendments made by this Act.

SEC. 503. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 30 days after the date of enactment of this Act.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 1503. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2003; to extend the authorization of appropriations for the Office of Government Ethics and the Office of the Director of Federal Activities; and for other purposes.

Mr. THOMPSON. Mr. President, I ask unanimous consent that a statement by Senator LIEBERMAN and myself regarding the “Office of Government Ethics Authorization Act of 1999” be printed in the RECORD.

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

S. 1503

A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2003; to extend the authorization of appropriations for the Office of the Director of Federal Activities; and for other purposes.

Mr. THOMPSON. Mr. President, I am the sponsor of the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2003; to extend the authorization of appropriations for the Office of the Director of Federal Activities; and for other purposes.

Mr. President, I ask unanimous consent that a statement be printed in the RECORD.
JOINT STATEMENT BY SENATOR FRED THOMPSON, CHAIRMAN, COMMITTEE ON GOVERNMENTAL AFFAIRS, AND SENATOR JOSEPH Lieberman, RANKING MINORITY MEMBER, COMMITTEE ON GOVERNMENTAL AFFAIRS ON INTRODUCTION OF THE “OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 1999”

Today we are pleased to join together in introducing the “Office of Government Ethics Authorization Act of 1999.” This legislation would reauthorize the Office of Government Ethics for four years, through the end of fiscal year 2003.

The Office of Government Ethics was created in 1978 to administer the Ethics in Government Act. The Office was established as a separate Executive Office, independent from the Office of Personnel Management, as part of the Office’s reauthorization in 1988. The Office is headed by a Director who is appointed to serve a 5-year term with the advice and consent of the Senate. The current Director, Stephen Potts, is serving his second term which expires in August 2000.

The Office has responsibility for Executive branch policies relating to preventing conflicts of interest on the part of officers and employees in the Executive branch. The Office is a small and respected agency and promotes policies and ethical standards that are implemented by the Executive branch’s Designated Agency Ethics Officers. The Office also provides training and educational programs in an effort to provide guidance to employees throughout the government.

The Office’s current authorization is set to expire at the end of this fiscal year. In introducing this legislation, it is our expectation for the Committee on Governmental Affairs and the Senate to act on a timely basis in reauthorizing this agency.

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 1504. A bill to improve health care quality and reduce health care costs by establishing a National Fund for Health Research that would significantly expand the Nation’s investment in medical research; to the Committee on Health, Education, Labor, and Pensions.

NATIONAL FUND FOR HEALTH RESEARCH ACT

Mr. HARKIN. Mr. President, I wish to introduce the “National Fund for Health Research Act of 1999.”

Each year under our proposal amounts within the National Fund for Health Research would automatically be allocated to each of the NIH Institutes and Centers. Each Institute and Center would receive the same percentage as they received of the total NIH budget for the prior fiscal year, unless specified by the Director of the Institute and/ or Center. The set aside would result in a significant annual budget increase for NIH.

In 1994 I argued that any health care reform plan should include additional funding for health research. Systematic health care reform has been taken off the front burner but the need to increase our nation’s commitment to health research has not diminished. While health care spending devourgs over $1 trillion annually our medical research budget is dying of starvation. The United States devotes less than 3 percent of its total health care budget to health research. The Defense Department spends 15 percent of its budget on research. Does this make sense? We are competing against disease and disability continues.

Increased investment in health research is key to reducing health costs in the long run. For example, the costs of treatment for Alzheimer’s disease in the coming century—adding further strains to Medicare as the baby boomers retire. We know that through research there is a real hope of a major breakthrough in this area. Simply delaying the onset of Alzheimer’s by 5 years would save an estimated $50 billion.

Gene therapy and treatments for cystic fibrosis and Parkinson’s could eliminate years of chronic care costs, while saving lives and improving patients’ quality of life.

Mr. President, Senator SPECTER and I do everything we can to increase funding for NIH through the Labor, Health and Human Services and Education Appropriations bill. But the Balanced Budget Act of 1997 has put us on track to dramatically decrease discretionary spending, so that the nation’s investment in health research through the NIH is likely to decline in real terms unless corrective legislative action is taken.

The NIH is not able to fund even 30 percent of competing research projects or grant applications deemed worthy of funding. Science and cutting edge medical research are being put on hold. We may be giving up possible cures for diabetes, cancer, Parkinson’s and countless other diseases.

Mr. President, health research is an investment in our future—it is an investment in our children and grandchildren. It holds the promise of cures of treatment for millions of Americans.

Mr. SPECTER. Mr. President, I have sought recognition to join Senator Tom HARKIN, my colleague and distinguished ranking member of the Appropriations Committee on Labor, Health and Human Services and Education, which I chair, in introducing the National Fund for Health Research Act of 1999. This creative proposal, which would create a dedicated health research fund in the U.S. Treasury to supplement the current federal research funding mechanisms, was first developed by Senator HARKIN and our colleagues in the Senate, Senator Mark Hatfield. I think their ideas should not be lost, and I am pleased to join Senator HARKIN in introducing this legislation as I did during the 105th Congress. I have also included this proposal as a provision of comprehensive health care reform legislation, the Health Care Assurance Act of 1999 (S. 24), introduced on January 19, 1999.

I have said many times that I firmly believe that the National Institutes of Health (NIH) is the crown jewel of the Federal government, and substantial investment is crucial to allow the continuation of the breakthrough research into the next decade. In 1981, NIH funding was less than $2.6 billion. For the past three years, NIH funding has increased by 6.8 percent in fiscal year 1997, 7.1 percent in fiscal year 1998, and 15 percent in fiscal year 1999, for a total of $15.7 billion. Senator HARKIN and I are continuing to fight to double the NIH budget each year. Our legislation, which was unanimously supported in the United States Senate during the 105th Congress, was dismayed, however, upon examining President Clinton’s $15 billion budget request for the NIH for fiscal year 2000—only a little over two percent growth, far less than the 15 percent needed to double NIH. At the President’s requested level, new and competing NIH research project grants would drop by 1,554—from 9,171 in fiscal year 1999 to 7,617 in fiscal year 2000. This outlook on future grant awards is wholly inadequate to meet the country’s most important challenges to improve the health and quality of life for millions of Americans.

To call the President’s plan shortsighted would be an understatement. In practical terms, two percent amounts to spending less than $24 for every American who suffers from coronary heart disease. Two percent means slowing the race to cure breast cancer or discover a vaccine to prevent the spread of AIDS. And it means that some of the most promising new breakthroughs in science, like stem cell research, may be postponed for years.

Breaking the code for complex problems takes a steady and sustained commitment of people and money.

The National Fund for Health Research Act which we are introducing today would continue Senator HARKIN’s and my unwavering commitment to increasing the nation’s investment in biomedical research. The legislation would create a special fund for health research to supplement funding achieved through the regular appropriation process, by as much as $6 billion annually. Our legislation would require health insurers to transfer to the U.S. Treasury an amount...
equal to 1 percent of all health premiums they receive. To ensure that the additional funds generated do not simply replace regularly appropriated NIH funds, monies from the health research fund would only be released if the total amount appropriated for the NIH in that year equaled or exceeded the prior year appropriations.

We must all recognize that expanding our base of scientific knowledge inevitably leads to better health, lower health care costs, and an improved quality of life for all Americans. I believe that the creation of a fund for health research would bring us closer to those critical goals.

Mr. President, I urge my colleagues to support the National Fund for Health Research Act, and urge its swift adoption.

By Mr. THURMOND:

S. 1506. A bill to suspend temporarily the duty on cyclic olefin copolymer resin; to the Committee on the Judiciary.

DUTY SUSPENSION ON CERTAIN COPOLYMER RESIN

Mr. THURMOND. Mr. President, I rise today to introduce a bill which will suspend the duties imposed on a certain copolymer resin used in the production of high technology products. Currently, this resin is imported for use in the United States because there is no domestic supplier or readily available substitute. Therefore, suspending the duties on this copolymer resin would not adversely affect domestic industries.

This bill would temporarily suspend the duty on cyclic olefin copolymer resin, which is a resin used in the manufacturing of high technology products such as high precision optical lenses and laboratory micro liter plates.

Mr. President, suspending the duty on this resin will benefit the consumer by stabilizing the costs of manufacturing the end products. Furthermore, this suspension will allow domestic producers to maintain or improve their ability to compete internationally. There are no known domestic producers of this material. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bill be printed in the Congressional Record immediately following my remarks.

There being no objection, the bill was ordered to be printed to the Record, as follows:

S. 1506

Be it enacted by the Senate and House of Representaties of the United States of America in Congress assembled,

SECTION 1. CYCLOLEFIN COPOLYMER RESIN.

(a) IN GENERAL.—Subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.39.00  Cyclic olefin co-
polymer resin\[304]
26007–43–2  (provision for in-
cluded dutiable goods)\[304]
3902.90.00  Free  Free  No  On or be-
fore  12/31/2002."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. CAMPBELL:

S. 1507. A bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN ALCOHOL AND SUBSTANCE ABUSE PROGRAM CONSOLIDATION ACT

Mr. CAMPBELL. Mr. President, I am pleased to introduce the Native American Alcohol and Substance Abuse Program Consolidation Act of 1999, to enable Indian tribes to consolidate and integrate alcohol and substance abuse prevention, diagnosis, and treatment programs to provide united and more effective services to Native Americans.

Native communities continue to be plagued by alcohol and substance abuse at staggering rates and this abuse is wreaking havoc on Native families across the country. Unfortunately, alcohol continues to be an important risk factor associated with the top three killers of Native youth—accidents, suicide, and homicide.

Based on 1993 data, the rate of mortality due to alcoholism among Native youth ages 15 to 24 was 5.2 per 100,000, which is 17 times the rate for whites of the same age.

Native Americans have higher rates of alcohol and drug use than any other racial or ethnic group. Despite previous treatment and preventive efforts, alcoholism and substance abuse continue to be prevalent among Native youth: 82 percent of Native adolescents admitted to having used alcohol, compared with 66 percent of non-Native youth.

In a 1994 school-based study, 39 percent of Native high school seniors reported having "gotten drunk" and 39 percent of Native kids admitted to using marijuana.

Alcohol and substance abuse also contributes to other social problems including sexually transmitted diseases, child and spousal abuse, poor school achievement and dropout, drunk-driving related deaths, mental health problems, hopelessness and, too commonly, suicide.

The Federal Government offers several disparate and currently uncoordinated substance abuse prevention and treatment programs for which Native Americans are eligible. This bill authorizes the Administration to prioritize these programs so that the resources are effectively targeted at the communities that need them.

Program funds from the Department of Education include the Office of Elementary and Secondary Education’s Safe and Drug-Free Schools and Communities—National Programs; and the Safe and Drug-Free Schools and Communities—State Grants.

In the Department of Health and Human Services the programs include the Administration for Children and Families’ (ACF) Social Services Block Grant; the Indian Health Service’s (IHS) Urban Indian Health Services funds; the IHS’s Research funds; the IHS’s Alcohol and Substance Abuse services including outpatient visits, inpatient days, regional treatment centers, admissions, aftercare referrals, and emergency placements; the Substance Abuse and Mental Health Services Administration (SAMHSA) Grants for Residential Treatment Programs for Pregnant and Postpartum Women; the SAMHSA Demonstration Grants for Residential Treatment for women and their Children; the SAMHSA Cooperative Agreements for Substance Abuse Treatment and Recovery Systems for Rural, Remote and Culturally Distinct Populations; the SAMHSA Mental Health Planning and Demonstration Projects; the SAMHSA Demonstration Grants for the Prevention of Alcohol and Drug Abuse Among High-Risk Populations; the SAMHSA Demonstration Grants on Model Projects for Pregnant and Postpartum Women and their Infants; the SAMHSA Comprehensive Indian Health Services Sourcebook; the SAMHSA Demonstration Grants for Substance-Using Women and their Children; and the SAMHSA Block Grants for Prevention and Treatment of Substance Abuse.

Programs in the Department of Housing and Urban Development (HUD) include Community Planning and Development, Shelter Plus Care; and HUD’s Drug Elimination Grant funds.

Department of the Interior program funds include the Bureau of Indian Affairs, Services to Indian Children, Elderly and Families funds.

Programs in the Department of Justice include National Institute of Justice, Justice Research, Development, and Evaluation Project Grants.

The Department of Transportation funds include National Highway Traffic Safety Administration/Federal Highway Administration funds. Alcohol and Substance Abuse and Mental Health Services Administration funds include the National Institutes of Health—National Institute on Alcohol Abuse and Alcoholism include several different grant programs for minorities and the prevention of alcohol abuse.

The goal of this bill is to authorize tribal governments and inter-tribal organizations to consolidate these programs through a single Federal office, in the Bureau of Indian Affairs, and use a single implementation plan to reduce the administrative and bureaucratic processes and result in more and better services to Native Americans.

This legislation tracks the widely-hailed and very successful "477 model"
that Indian tribes have had used to effectively coordinate employment training and related services through the Indian Employment Training and Related Services Demonstration Act of 1992 (Pub. Law 102–477).

Under this "477 model," an applicant tribe is able to file into a single comprehensive plan to draw and coordinate resources from many federal agencies and administer them through one office, the Bureau of Indian Affairs in the Department of the Interior.

To facilitate this inter-agency resource transfer, Secretaries of named agencies are required to negotiate and enter into memoranda of understanding.

The bill I am introducing today mirrors the "477 model" for purposes of alcohol and drug abuse resources.

I am certain that with this authority, Indian tribes can achieve the same high level of success they have had in the employment training field.

Mr. President, I seek unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1597

Be it enacted in 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 "Native American Alcohol and Substance Abuse Prevention, Treatment, and Related Services Improvement Act of 1999."

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are (a) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis and treatment programs to provide unified and more effective and efficient services to Native americans afflicted with alcohol and other substance abuse problems; and (b) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis and treatment programs for their communities, consistent with the policy of self-determination.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) FEDERAL AGENCY.—The term "federal agency" has the same meaning given the term in section 553(1) of title 5, United States Code.

(2) INDIAN TRIBE.—The term "Indian tribe" and "tribe" shall have the meaning given the term "tribe" in section 4(c) of the Indian Self-Determination and Education Assistance Act.

(3) INDIAN.—The term "Indian" shall have the meaning given such term in section 4(c) of the Indian Self-Determination and Education Assistance Act.

(4) SECRETARY.—Except where otherwise provided, the term "Secretary" means the Secretary of the Interior.

SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

The Secretary of the Interior, in cooperation with the appropriate Secretary of Labor, Secretary of Health and Human Services, Secretary of Education, Secretary of Housing and Urban Development, United States Attorney General, Secretary of Transportation, and the Director of the National Institutes of Health shall enter into an interdepartmental memorandum of agreement providing for the implementation of the plans authorized under this Act. The lead agency under this Act shall be the Bureau of Indian Affairs in the Department of the Interior. The responsibilities of the lead agency shall include—

(1) the use of a single report format related to the plan for the implementation of the project which shall be used by a tribe to report on the activities undertaken by the plan;

(2) the use of a single report format related to the projected expenditures of the individual plan which shall be used by a tribe to report on all plan expenditures;

(3) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency; and

(4) the provision of technical assistance to a tribe appropriate to the plan, delivered under an arrangement subject to the approval of the tribe, the project, except that a tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provided under the plan.

(5) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that * * *

By Mr. CAMPBELL:

S. 1508. A bill to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes; to the Committee on Indian Affairs.

NATIVE JUSTICE SYSTEMS ENHANCEMENT ACT

Mr. CAMPBELL. Mr. President, to introduce the "Indian Tribal Justice System Technical and Legal Assistance Act of 1999" to bolster earlier efforts to strengthen Indian tribal justice systems such as the Indian Tribal Justice Act of 1933. I want to be clear: the legislation I am introducing today is intended to complement, not substitute for, the 1993 Act.

Unfortunately, most Native Americans continue to live in abject poverty and as with other indigent groups, access to legal assistance is poor.

In the Department of Justice published a report showing that crime, particularly violent crime, is rampant on Indian lands. The Congress and the Administration both properly responded with an infusion of millions of dollars for crime prevention, prosecution and detention.

There is also a huge need civil legal assistance in Native communities that is not now being met and that is one of the aims of the bill I am introducing today.

Since the late 1960's Indian Legal Services ("ILS") organizations have stepped into the fray to provide basic legal service to individual Native Americans and tribes whose members
CONGRESSIONAL RECORD — SENATE

S10405

August 5, 1999

fall within the federal poverty guidelines.

There are now 30 Indian legal service organizations—very small programs which receive the bulk of their funds from the Legal Services Corporation (LSC). ILS programs provide broad-based legal representation to individual Indian people, and small tribes, throughout the United States.

In addition to providing legal help to individual Natives, ILS assists tribes in development tribal justice systems, including training tribal personnel and strengthening the capacity of tribal courts to handle both civil and criminal matters.

The ILS organizations have been involved in developing written codes on tribal law and practice and procedures in tribal courts, training tribal judges, developing tribal court "lay advocate" programs and training lay advocates, and developing tribal "peace-making" systems which are traditional alternatives to the adversarial resolution methods.

The ILS programs carrying out these key functions include the DNA Legal Services of Arizona, New Mexico and Utah; the Michigan Indian Legal Services; the Dakota Plains Legal Services; Wisconsin Indian Law and Services; Oklahoma Indian Legal Services; Pine Tree Legal Assistance of Maine, and many others.

Together, tribal governments and the ILS organizations work to ensure that Native millwork systems work and that Natives and non-Natives alike have confidence in tribal justice systems and institutions.

Generating that confidence is important for a variety of reasons. For instance, there are many factors determining whether or not a Native community can be competitive and attract investment and business activities to boost employment: a solid physical infrastructure, a skilled and healthy workforce, access to capital, and a governing structure that encourages risk taking and entrepreneurship.

Part of such an environment is a judicial system that instills confidence in businesses as well as individuals that disputes can be settled fairly, that contracts will be honored, and that the governed recognize the government's authority as legitimate.

A disordered system does not foster confidence. Whether or not individual Indians will have access to legal services and well-ordered tribunals is key to development.

A strong "legal infrastructure" is widely recognized in American business circles as a necessary condition for business development whether it be in Russian, Indonesia, inner city America, or on Indian lands.

Within existing appropriations, the bill I am introducing authorizes the Attorney General, in consultation with the Office of Tribal Justice, to provide assistance to legal service organizations and non-profit entities to help build capacity of tribal courts and tribal justice systems so that confidence in these systems can be augmented, and much-needed legal assistance will be provided.

The three areas targeted for assistance are training for tribal judicial personnel, tribal civil legal assistance, and tribal law and order.

I believe that in addition to regulatory reform, physical infrastructure, and development assistance, strengthening tribal justice systems is another component in bringing real development to tribal economies and governing systems.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD.

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

S. 1508

Be it enacted by the Senate and House or Representatives of the United States of America in Congress assembled:

SECTION 1. SHORT TITLE.

This Act may be cited as the Indian Tribal Justice Technical and Legal Assistance Act of 1999.

SEC. 2. FINDINGS.

The Congress finds and declares that—

1) There is a government-to-government relationship between the United States and Indian tribes;

2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian tribes;

3) The rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

4) In any context, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

5) Tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes where personal and property rights on Native lands;

7) Enhancing tribal court systems and improving access to those systems serves the Federal and tribal political goals of tribal political self-determination and economic self-sufficiency;

8) There is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance impedes their operation;

9) Tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

10) Indian legal services programs, as fundedor partially through the Legal Services Corporation, have an established record of providing effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

11) The provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

1) To carry out the responsibilities of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance;

2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes;

3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services;

4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems; and

5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 105-176).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(2) INDIAN LANDS.—The term "Indian lands" shall include lands within the definition of "Indian country", as defined in 18 USC 1151; or "Indian reservations", as defined in section 3(d) of the Indian Financing Act of 1974, 25 USC 1451(d), or section 4(i) of the Indian Child Welfare Act, 25 USC 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term "former Indian reservations in Oklahoma" as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by the Secretary as eligible for trust land status under 25 CFR Part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organization of group or community, including any Alaska Native entity, which administers justice or administers justice under its inherent authority or the authority of the United States and which is recognized as eligible for special programs and services provided to Indian tribes by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term "non-profit entity" or "non-profit entities" has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term "Office of Tribal Justice" means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term "tribal court system" or "tribal justice system" means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional tribal courts and other courts and systems exercising tribal authority whether or not they constitute a court of record.
TITLED—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to tribal governments, tribal justice systems, and non-profit organizations that are involved in training and technical assistance for tribal justice systems, or other purposes consistent with this Act.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services to members of Indian tribes, or other entities that provide legal assistance services to members of Indian tribes or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe. The Attorney General may prescribe for the provision of legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services to members of Indian tribes, or other entities that provide legal assistance services to members of Indian tribes or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe. The Attorney General may prescribe for the provision of legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian law in Native communities is threatened. In the 106th Congress the Committee on Indian Affairs has put economic and business development on Native lands at the center of its agenda. In addition to regulatory reform, physical infrastructure, and access to capital, part of the agenda must be to find creative efforts to maximize scarce federal resources for Indian development. By all accounts, the 1992 Act has been a success for Native people struggling to get employment and training and other services related to the world of work.

The bill I am introducing today will build on that success and liberalize tribal authority under the statute, authorize actual job-creation activities, and otherwise demonstrated the value of integrating employment, training, education and related services.

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The 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, including proprietary or administrative formula," as identical to "statutory requirement," after "to waive any"

(c) PLAN REVIEW.—Section 4 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by striking "Federal agency" and inserting Federal agencies;

(2) by striking Federal department and inserting Federal agencies;

(3) by striking "(B) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or" and inserting "(B) 10 percent.

(4) by striking "(C) 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 be made available to a tribe by a federal agency under a statutory or administrative formula.

S. 1510. A bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The United States Ship Tourism Development Act of 1999

Mr. MCCAin. Mr. President, today I, with Senators HUTCHISON, FEINSTEIN, and MURkowski, are introducing the United States Cruise Ship Tourism Development Act of 1999. The purposes of this bill is to provide increased domestic cruise opportunities for the American cruising public by temporarily removing barriers to operation in the domestic cruise market. I want to start by thanking Senator HUTCHISON, who, as Chairman of the Surface Transportation and Merchant Marine Subcommittee is continuing her efforts to help rebuild our nation’s cruise ship industry. She along with Senators FEINSTEIN and MURkowski are great partners to have as this legislation moves forward.

Americans today have a wide variety of choices when it comes to vacationing on large oceangoing cruise ships. However, due to barriers to entry that were created in 1866, the few exceptions, do not include domestic trade. Large cruise ship domestic trade options are currently limited to one ocean going cruise line. The U.S. port calls on international itineraries are heavily concentrated in Florida and Alaska due to the proximity of these states to neighboring countries. This means that America’s cruising public is denied the opportunity to cruise to many attractive U.S. port destinations, and those ports are denied the economic benefits of those visits.

I have an opportunity in this Congress to temporarily reduce barriers for entry into the domestic cruise ship trade, creating new U.S. jobs, and generating millions of dollars in new U.S. business without any cost to existing U.S. jobs. During the 105th Congress the bill to end the restriction of domestic cruise ship trade were referred to the Commerce Committee. Unfortunately, we were not able to reach a consensus on any measure that would remove the barriers created in the law measure that would remove the barriers created in the law commonly referred to as the Passenger Vessel Services Act. I am hopeful that the bill that we are introducing today will see more success.

While I have made it clear in the past that I would like to do away with the trade barriers contained in the Passenger Vessel Services Act, this bill does not do that. What this bill does do is allow the Secretary of Transportation a limited time to waive certain coastwise trade restrictions. It is my strong belief that this will stimulate growth and opportunity within the domestic cruise ship trade with the beneficiaries being U.S. port cities and business, and more importantly, the millions of American citizens who want to be able to enjoy cruising between U.S. ports. I expect some of my colleagues on the on the Commerce Committee may want to make additional changes to this bill in Committee. I look forward to working these issues out with them in the coming months.

I believe it is important for this Congress to take action on this issue in order to maximize the economic growth potential of the domestic cruise ship trade and the opportunities for America’s public.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "United States Cruise Ship Tourism Development Act of 1999".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Definitions.
S10408

CONGRESSIONAL RECORD — SENATE

August 5, 1999

Title I—Operations Under Permit
Sec. 101. Domestic cruise vessel.
Sec. 102. Domestic itinerary operating requirements.
Sec. 103. Certifying documents prohibited.
Sec. 104. Limited employment of eligible cruise vessels in the coastwise trade of the United States.
Sec. 105. Priorities within domestic markets.
Sec. 106. Construction standards.

Title II—Post-Permit Operations of Eligible Cruise Vessels
Sec. 201. Continued operation in domestic itinerary requirements.

Title III—Other Provisions
Sec. 301. Amendment of title XI of the Merchant Marine Act, 1936.
Sec. 302. Application of Jones Act and other Acts.
Sec. 303. Glacier Bay and other National Park Service area permits.

SEC. 2. DEFINITIONS.
In this Act:
(1) ELIGIBLE CRUISE VESSEL.—The term "eligible cruise vessel" means a cruise vessel that—
(A) is documented under the laws of the United States or the laws of another country;
(B) is not otherwise qualified to engage in the coastwise trade between ports in the United States;
(C) was delivered after January 1, 1990;
(D) provides a full range of overnight accommodations, entertainment, dining, and other services for its passengers;
(E) has a fixed smoke detection and sprinkler system installed throughout the accommodation and service spaces, or will have such a system installed within the time period required by the 1992 Amendments to the Safety of Life at Sea Convention of 1974; and
(F) displaces—
(i) greater than 20,000 gross registered tons; or
(ii) more than 9,000 gross registered tons and has an all-suites luxury configuration with a minimum of 240 square feet per revenue room.
(2) ITINERARY.—The term "itinerary" means the route travelled by a cruise vessel on a single voyage that begins at the first port of embarkation for passengers on that voyage, includes each port at which the vessel docks before the last port of disembarkation for such passengers, and ends at that last port of disembarkation.
(3) OPERATING DAY.—The term "operating day" means a day of the week on which a vessel embarks, transports, or disembarks passengers.
(4) OPERATOR.—The term "operator" means the owner, operator, or charterer.
(5) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

TITLE I—OPERATIONS UNDER PERMIT

SEC. 101. DOMESTIC CRUISE VESSEL.

(a) IN GENERAL.—Notwithstanding the provisions of section 8 of the Act of June 19, 1886 (46 U.S.C. App. 299), or any other provision of law, the Secretary may issue a permit for an eligible cruise vessel to operate in domestic itineraries in the transportation of passengers for hire between ports of embarkation for passengers on that voyage, the coastwise trade between ports in the United States.

(b) MAXIMUM OPERATING DAYS.—An eligible cruise vessel not documented under the laws of the United States that is operated under a permit issued by the Secretary under subsection (a) may not be operated under that permit for more than 180 days.

(c) EXPIRATION OF PERMIT AUTHORITY.—Except as otherwise provided in section 201 of this Act, a permit issued by the Secretary under subsection (a) shall terminate December 31, 2006.

(d) OPERATING WINDOW.—The authority of the Secretary to issue a permit under subsection (a) begins on the day after the date of enactment of this Act and terminates on the day that is 3 years after that date.

SEC. 102. DOMESTIC ITINERARY OPERATING REQUIREMENTS.

(a) IN GENERAL.—Except as provided in section 104 that an eligible cruise vessel not documented under the laws of the United States may not approve an itinerary for a voyage commencing less than 1 year after the date of enactment of this Act, approved by an eligible cruise vessel not documented under the laws of the United States unless the operator establishes to the satisfaction of the Secretary that, except as otherwise provided in this Act, the vessel will be operated in full compliance with all rules, regulations, and operating requirements relating to health, safety, environmental protection, and other appropriate operational standards (as determined by the Secretary), that would apply to any United States-flag cruise vessel operating in domestic itineraries in the transportation of passengers under a permit issued under section 101(a). The Secretary shall issue final rules under this section within 180 days after the date of enactment of this Act.

(b) WAIVER.—The Secretary may waive the requirements of paragraph (1) if the Secretary finds that the repair, maintenance, alteration, or other preparation services are not available in the United States or if an emergency dictates that the ship proceed to a foreign port.

(c) ESCROW ACCOUNT.—The Secretary may not impose a permit under section 101(a) for an eligible cruise vessel unless the operator establishes to the satisfaction of the Secretary that—
(1) any repair, maintenance, alteration, or other preparation of the vessel for operation under a permit issued under section 101(a) has been, or will be, performed in a United States shipyard; and
(2) any repair or maintenance of the vessel after a permit is issued under that section and before the expiration of the operating limitation period in section 101(b) will be performed in a United States shipyard.

SEC. 103. CERTAIN OPERATIONS PROHIBITED.

An eligible cruise vessel not documented under the laws of the United States; or the laws of another country, that—
(1) does not own or operate a cruise ship; and
(2) is not affiliated with an owner or operator of a cruise ship.

SEC. 104. LIMITED EMPLOYMENT OF FOREIGN-COUNTRY FLAG CRUISE SHIPS IN THE COASTWISE TRADE OF THE UNITED STATES.

(a) IN GENERAL.—Notwithstanding section 2106 of title 46, United States Code, section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), and section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), the Secretary may approve the employment in the coastwise trade of the United States of an eligible cruise vessel operating under a permit issued under section 101(a) of this Act for repositioning as provided by subsection (b) or for charter as provided by subsection (c).

(b) REPOSITIONING.—An eligible cruise vessel not documented under the laws of the United States operating under a permit issued under section 101(a) of this Act may be employed in the coastwise trade during the first year after the date of enactment of this Act for no more than 2 weeks and includes transportation of passengers for hire—
(1) from one coast of the United States through the Panama Canal to another coast of the United States; or
(2) along the coast of the United States during a voyage between 2 foreign countries.

(c) CHARTERS.—An eligible cruise vessel not documented under the laws of the United States that is operated under a permit issued under section 101(a) of this Act may be employed in the coastwise trade during the first year after the date of enactment of this Act if it is time-chartered to a charterer that—
(1) does not own or operate a cruise ship; and
(2) is not affiliated with an owner or operator of a cruise ship.

SEC. 105. PRIORITIES WITHIN DOMESTIC MARKETS.

(a) IN GENERAL.—The Secretary shall, by regulation, establish a priority system for cruise vessels providing service in domestic itineraries within 180 days after the date of enactment of this Act.

(b) PRIORITY TO U.S.-BUILT OR U.S.-REBUILT VESSELS.—Under the regulations to be prescribed by the Secretary, a cruise vessel built or rebuilt in the United States and documented under the laws of the United States shall have priority over any other cruise vessel of comparable size operating in a comparable market under a permit issued under section 101(a).

(c) PRIORITY TO U.S.-FLAG VESSELS.—The Secretary shall prescribe regulations under which a cruise vessel documented under the laws of the United States that is not built or rebuilt in the United States has priority over an eligible cruise vessel of comparable size not documented under the laws of the United States that is operating in a comparable market.

(d) FACTORS CONSIDERED.—In determining and assigning priorities under the regulations, the Secretary shall consider, among other factors determined by the Secretary to be appropriate—
(1) the scope of a vessel's itinerary;
(2) the size of the vessel.

SEC. 106. TIMES AND MANNER OF SUBMISSION.

(1) INTENTIONAL SUBMISSION REQUIRED.—An eligible cruise vessel may not be operated in a domestic itinerary unless the operator has submitted a proposed itinerary to the Secretary for the cruise vessel that is operating in a domestic itinerary that begins on the day after the date on which the proposed itinerary is required to be submitted under paragraph (2).

(2) TIMING AND MANNER OF SUBMISSION.—Each operator of an eligible cruise vessel to be operated in a domestic itinerary shall submit a proposed itinerary to the Secretary in the form required by the Secretary in February.
of each year beginning after the date of enactment of this Act.

(3) REVISIONS AND LATER SUBMISSIONS.—The Secretary shall permit late submissions and revisions of the final list of approved itineraries is published under paragraph (4)(C) and before the date that is 90 days after the request is received by the operator by appealing the Secretary's decision with respect to the appeal or the new itinerary proposal; and (iii) publish a final list of approved itineraries.

(2) ITINERARIES BEFORE FINAL LIST IS FIRST PUBLISHED.—(1) REQUESTS.—For itineraries before the first calendar year for which the Secretary publishes a final list of approved itineraries under subsection (e), the operator of a cruise vessel in the United States submits a request for an itinerary to be sailed before that calendar year.

(2) CONFLICTING HIGHER PRIORITY USE.—If the itinerary submitted by an operator under paragraph (1) is a high priority cruise vessel that will use by a vessel with a higher priority under this section, the Secretary shall approve the request for the itinerary that serves as security for the guarantee of the Secretary if the obligor demonstrates to the satisfaction of the Secretary that its personnel have the experience and ability to operate cruise vessels.

TITLe II—POST-PERMIT OPERATIONS OF ELIGIBLE CRUISE VESSELS

SEC. 201. CONTINUED OPERATION IN DOMESTIC ITINERARY REQUIREMENTS.

(a) IN GENERAL.—After the expiration of its period of operations under a permit issued under section 101(a), an eligible cruise vessel not documented under the laws of the United States may not operate in domestic itineraries unless it meets the following conditions:

(1) DOCUMENTATION.—The vessel has been issued a certificate of documentation with a coastwise endorsement.

(2) OPERATING CREW; SUPPORT STAFF.—Each member of the vessel’s operating crew licensed or certified by the United States Coast Guard for the operation of the vessel is a citizen of the United States.

(b) CONSTRUCTION PLAN.—The operator of an eligible cruise vessel that will use by a vessel with a higher priority under this section shall demonstrate to the satisfaction of the Secretary that as of the date on which the vessel is documented under the laws of the United States—

(1) it has a plan for the construction of a cruise vessel in the United States; or

(2) it is a party to, or has made substantial progress toward entering into, an enforceable contract for the construction of such a vessel in the United States.

(c) EXPIRATION OF COASTWISE ENDORSEMENT.—The certificate for an eligible cruise vessel operating under subsection (a) shall expire 24 months after the date on which construction is completed on the last vessel the operator of the eligible cruise vessel is obligated to construct in the United States.

(d) REFLAGGING UNDER FOREIGN REGISTRY.—Notwithstanding section 6103 of title 5, United States Code, and each individual employed aboard the vessel who is not a member of the vessel’s operating crew is a citizen or permanent resident of the United States.

(e) CONSTRUCTION PLAN.—The operator of an eligible cruise vessel shall submit a construction plan that demonstrates to the satisfaction of the Secretary that as of the date on which the vessel is documented under the laws of the United States—

(1) it has a plan for the construction of a cruise vessel in the United States; or

(2) it is a party to, or has made substantial progress toward entering into, an enforceable contract for the construction of such a vessel in the United States.

(f) REFLAGGING UNDER FOREIGN REGISTRY.—Notwithstanding section 6103 of title 5, United States Code, and each member of the vessel’s operating crew licensed or certified by the United States Coast Guard for the operation of the vessel is a citizen of the United States.

(g) REPORT.—The Secretary shall issue an annual report on the number of operating days used by a higher priority vessel assigned a priority under this section.


(a) IN GENERAL.—Nothing in this Act affects or otherwise modifies the authority contained in—

(1) Public Law 87-77 (46 U.S.C. App. 289b) authorizing the transportation of passengers and merchandise in Canadian vessels between ports in Alaska and the United States; or

(2) Public Law 98-563 (46 U.S.C. App. 289c) permitting the transportation of passengers between Puerto Rico and other United States ports.

(b) CONSTRUCTION PLAN.—Nothing in this Act affects or otherwise modifies the Merchant Marine Act, 1920 (46 U.S.C. App. 861 et seq.).

SEC. 302. APPLICATION WITH JONES ACT AND OTHER ACTS.

(a) IN GENERAL.—Nothing in this Act affects or otherwise modifies the authority contained in—

(1) Public Law 87-77 (46 U.S.C. App. 289b) authorizing the transportation of passengers and merchandise in Canadian vessels between ports in Alaska and the United States; or

(2) Public Law 98-563 (46 U.S.C. App. 289c) permitting the transportation of passengers between Puerto Rico and other United States ports.

(b) JONES ACT.—Nothing in this Act affects or otherwise modifies the Merchant Marine Act, 1920 (46 U.S.C. App. 861 et seq.).

SEC. 303. GLACIER BAY AND OTHER NATIONAL PARK SERVICE AREA PERMITS.

Notwithstanding the last sentence of section 3(g) of Public Law 91-383 (46 U.S.C. App. 290), the Secretary of the Interior, after consultation with the Secretary of Transportation, may issue new or otherwise available permits to United States-flag vessels carrying passengers to enter Glacier Bay or any other area within the jurisdiction of the National Park Service. Any such permit shall not affect the rights of any person holding a permit under the Merchant Marine Act, 1920 (46 U.S.C. App. 861 et seq.).

SEC. 301. AMENDMENT OF TITLE XI OF THE MERCHANT MARINE ACT, 1936.

(a) RISK FACTOR.—Section 1103(h) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1103(h)), is amended by adding at the end thereof the following:

"(5) For purposes of the risk factor described in paragraph (3)(I), the Secretary shall consider an applicant for a guarantee, or a commitment to guarantee, under subsection (a) an obligation in connection with a contract described in section 201(a)(4) of the United States Cruise Ship Tourism Development Act of 1999 to possess the necessary operating ability, experience, and expertise required if the applicant demonstrates to the satisfaction of the Secretary that its personnel have the experience and ability to operate cruise vessels.".

(b) QUALIFICATIONS.—Section 1104A(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1124(b)) is amended by adding at the end thereof the following:

"For purposes of paragraph (1), the Secretary shall consider an obligor with a contract described in section 201(b)(2) of the United States Cruise Ship Tourism Development Act of 1999 to possess the ability necessary to the adequate operation and maintenance of the cruise vessel that serves as security for the guarantee of the obligor demonstrates to the satisfaction of the Secretary that its personnel have the experience and ability to operate cruise vessels.".

Mr. HARKIN. Mr. President, last month I had the honor of accompanying President Clinton and Education Secretary Richard Riley on a visit to Amos Hiltt Middle School in Des Moines, Iowa. We were joined by a high school teacher named Ruth Ann Gaines and an 8th grade student, Catherine Swoboda for a discussion on the need to modernize our nation’s schools. High School Middle School doors in 1925 and students spend all but a few hours a week in classrooms built during a time when Americans could not
imagine the technological advances that would occur by the end of the century.

In 1925, Americans were flocking to movie theaters to see—and hear—the first talking motion picture—Al Jolson’s “Mighty Mule.” Students who walked through the doors of the brand new Hiatt school that year could not imagine IMAX theaters with surround sound where a movie goer actually becomes a part of the film.

In the 1930s, we were lining up in department stores to buy novelties like electric phonographs, dial telephones, and self-winding watches. CDs, DVD players, cellular telephones or palm plotters were unthinkably.

And, the introduction of state-of-the-art technologies like rural electrification and crop dusting were revolutionizing the lives of families and farmers alike.

There have been incredible technological and scientific advances in the past few years. Yet, our schools have not kept pace with the times. We continue to educate our children in schools built and equipped in bygone eras.

Mr. President, Iowa has a long and proud tradition when it comes to public education—a tradition which dates back to before statehood.

As a result of the Land Ordinance of 1785, every township in the new Western Territory was required to set aside 640 acres of land for support of public education. Iowa’s first elementary school was established in 1830 and the first high school in 1850.

In 1858, the Iowa Free School Act laid the foundation for Iowa’s public school system. By 1859 the state had 4,200 public schools—some in log cabins.

This long commitment to education has brought great results.

From 1870 on into this century, Iowa had the nation’s highest literacy rate and the highest test scores. Iowa students continue to do well but we must do better. Our public education system has served us well. But, the times have changed dramatically.

The thousands of one-room school houses that dotted the countryside served us well for many generations. But time marches on and so must our schools. Just as the pot-belly stove served us well for many generations, the blackboard gave way to central heat; candles gave way for electric lights; the playground. Plant a lot of flowers. Paint the wall behind the principal's desk. What we need extra help, and after-school programs to engage students in constructive activities. They need safe, modern facilities with up-to-date technology.

But, all of these reforms will be undermined if facilities are inadequate. Sending children to dilapidated, overcrowded facilities sends a message to these children. It tells them they don’t matter. No CEO would tolerate a leaky ceiling in the board room no teacher should have to tolerate it in the classroom. We need to do all we can to ensure that children are learning in safe, modern buildings.

I am also pleased to be a cosponsor of Senator Robb’s Public School Modernization and Overcrowding Relief Act, which provides tax incentives to rebuild and modernize schools. Senator HARKIN’s bill is a necessary complement to that legislation. Although tax incentives are an important way to address the nation’s own infrastructure needs, they do not meet the needs of all communities. The neediest communities need our direct support— and they need it now.

Senator HARKIN’s legislation authorizes discretionary funds to help local school districts and states repair, renovate, and rebuild crumbling public schools. It provides targeted discretionary grants to public schools that have major needs. To do so, it creates a revolving loan fund at the state level, which would provide low-interest or no-interest loans to repair existing schools or construct new facilities. The legislation will also provide a grant to
help local school districts in the planning and design of new facilities that would include input from parents, teachers, and the community.

Nearly one third of all public schools are more than 50 years old. 14 million children of the nation’s schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition. The problems with aging school buildings aren’t the problems of the Inner City alone. They exist in almost every community, urban, rural, or suburban.

In addition to modernizing and renovating dilapidated schools, communities need to build new schools in order to keep pace with rising enrollments and to reduce class sizes. Elementary and secondary school enrollment has reached an all-time high again this year of 53 million students, and will continue to grow.

The Department of Education estimates that public schools will be needed by 2003 to accommodate rising enrollments. The General Accounting Office estimates that it will cost communities $122 billion to repair and modernize the nation’s schools. Congress must step in to help by providing funding to help communities modernize their schools.

In Massachusetts, 41 percent of schools report that at least one building needs extensive repairs or should be replaced. 80 percent of schools report at least one unsatisfactory environmental factor. 48 percent have inadequate heating, ventilation, or air conditioning. And 36 percent report inadequate plumbing systems.

Last year, I visited Everett Elementary School in Dorchester. The school is experiencing serious overcrowding. The average class size is 28 students. The principal of the school gave up her office to provide a classroom in order to help accommodate rising enrollment. When the school wants to use the multi-purpose auditorium/library, the rolling bookcases are moved to the basement, and the library has to close for the rest of the day.

Two cafeterias at Bladensburg High School in Prince Georges County, Maryland were recently closed because they were infested with mice and roaches. A teacher commented, “It’s disgusting. It causes chaos when the mice run around the room.” At an elementary school in Montgomery, Alabama, a ceiling which had been damaged with an unnecessary and unprofitable loan program for sugar producers, worth $390 million. The federal government is burdened with an unnecessary and unprofitable loan program for sugar producers and enforcing mandated import

August 5, 1999 CONGRESSIONAL RECORD — SENATE S10411

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Two cafeterias at Bladensburg High School in Prince Georges County, Maryland were recently closed because they were infested with mice and roaches. A teacher commented, “It’s disgusting. It causes chaos when the mice run around the room.” At an elementary school in Montgomery, Alabama, a ceiling which had been damaged with an unnecessary and unprofitable loan program for sugar producers, worth $390 million. The federal government is burdened with an unnecessary and unprofitable loan program for sugar producers and enforcing mandated import
quotas on foreign sugar. Sugar price supports also force consumers to pay $1.4 billion every year in artificially inflated sugar prices. This bill simply eliminates the taxpayer-funded loan program in 2003 and immediately requires repayment of existing loans in case, as could be the case.

These tax benefits and subsidies were originally intended to serve a limited purpose during times of economic recession and hardship in the 1970's. Our economy has long since recovered and I believe that these subsidies have outlived their purpose. The sunset of these programs will end these corporate welfare programs and return any remaining benefit back to our Nation's children.

Mr. President, we all know that one of the most important issues facing our nation is the education of our children. Providing a solid, quality education for each and every child in our nation is a critical component in their quest for personal and professional success. A solid education for our children also plays a pivotal role in the success of our nation; economically, intellectually, civically and morally.

We must strive to develop and implement school vouchers which strengthen and improve our education system thereby ensuring that our children are provided with the essential academic tools for succeeding professionally, economically and personally. I am sure we all agree that increasing the academic performance and skills of all our nation's students must be the paramount goal of any education reform we implement.

School vouchers are a viable method of allowing all American children access to high quality schools, including private and religious schools. Every parent should be able to obtain the highest quality education for their children, not just the wealthy. Tuition vouchers have finally provided low-income children trapped in mediocre, or worse, schools the same educational choices as children of economic privilege.

Some of my colleagues may argue that vouchers would divert money away from our nation's public schools and instead of instilling competition into our school systems we should be pouring more and more money into poor performing public schools. I respect that view. Who I do not accept is cutting the academic performance and strengthening financial support for education in our nation, the solution to what ails our system is not simply pouring more and more money into it.

Currently our Nation spends significantly more money than most countries and yet our students scored lower than their peers from almost all of the forty countries which participated in the last Third International Mathematics and Science Study (TIMSS) test. Students in countries which are struggling, socially, economically and politically, such as Russia, outscored U.S. children in math and scored far above them in advanced math and physics. Clearly, we must make significant changes beyond simply pouring more money into the current structure in order to improve our children's academic performance in order to remain a viable force in the world economy.

It is shameful failing to provide many of our children with adequate training and quality academic preparation for the real world. The number of college freshman who require remedial courses in reading, writing and mathematics who begin their higher education is unacceptably high. In fact, presently, more than 30 percent of entering freshman need to enroll in one or more remedial course when they start college. It does not hold well for our future economy if the majority of workers are not prepared with the basic skills to engage in a competitive global marketplace.

I concedes that school vouchers are not the magic bullet for eradicating all that is ailing our current educational system, but they are an important opportunity for providing improved academic opportunities for all children, not just the wealthy. Examination of the limited voucher programs enacted to date reveal high levels of parent and student satisfaction, an increase in parental involvement, and a definite improvement in attendance and discipline at the participating schools. Vouchers encourage parents to make public and private choices and parents to all work together to raise the level of education for all students. Through this bill, we have the opportunity to replicate these important attributes throughout all our nation's communities.

Thomas Jefferson said, "The purpose of education is to create young citizens with knowing heads and loving hearts." If we fail to give our children a chance to nurture their heads and hearts, then we threaten their futures and the future of our nation. Each of us is responsible for ensuring that our children have both the love in their hearts and the knowledge in their heads not only dream, but to make their dreams a reality.

The time has come for us to finally conduct a national demonstration of school choice to determine the benefits or perhaps disadvantages of providing educational choices to all students, not just those who are fortunate enough to be born into a wealthy family. I urge my colleagues to support this bill and put the needs of America's school children ahead of the financial gluttony of big business.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

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

S. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

TITLE I—EDUCATIONAL OPPORTUNITIES

SEC. 101. PURPOSES.
The purposes of this title are—

(1) to assist States to—

(A) give children from low-income families the same choices among all elementary and secondary schools and other academic programs as children from wealthier families already have;

(B) improve schools and other academic programs by giving parents in low-income families the increased freedom to choose the schools and programs that the parents determine best fit the needs of their children;

(C) more fully engage parents in their children's schooling;

(2) to demonstrate, through a 3-year national grant program, the effects of a voucher program that gives parents in low-income families—

(A) choice among public, private, and religious schools for their children; and

(B) access to the same academic options as parents in wealthy families have for their children.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title (other than section 104) $1,800,000,000 for each of fiscal years 2001 through 2003.

(b) EVALUATION.—There is authorized to be appropriated to carry out section 104 $17,000,000 for fiscal years 2001 through 2004.

SEC. 103. PROGRAM AUTHORITY.

(a) IN GENERAL.—The Secretary shall make grants to States, from allotments made under section 104 to enable the States to carry out educational choice programs that provide scholarships, in accordance with this title.

(b) LIMIT ON FEDERAL ADMINISTRATIVE EXPENDITURES.—The Secretary may reserve not more than 1 percent of the amounts appropriated under section 102(a) for a fiscal year to pay for the costs of administering this title.

SEC. 104. ALLOTMENTS TO STATES.

(a) ALLOTMENTS.—The Secretary shall make the allotments to States in accordance with a formula specified in regulations issued in accordance with subsection (b). The formula shall provide that the Secretary shall allot to each State an amount that bears the same relationship to the amounts appropriated under subpart 2 of part A of title II of this Act for a fiscal year (other than funds reserved under section 103(b)) as the number of covered children in the State bears to the number of covered children in all such States.

(b) FORMULA.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations specifying the formula referred to in subsection (a), including the manner of apportioning funds under this section to the States.

(c) LIMIT ON STATE ADMINISTRATIVE EXPENDITURES.—The State may reserve not more than 1 percent of the funds made available through the State allotment to pay for the costs of administering this title.

(d) DEFINITION.—In this section, the term "covered child" means a child who is enrolled in one or more remedial courses in reading, writing, and mathematics when they enroll for the first time in their secondary school (or in the case of a child who is enrolled in a public school, other than a public school that is an elementary school or secondary school, in the State that are at or below the 25th percentile for academic performance of schools in the State.

SEC. 105. ELIGIBLE SCHOOLS.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Schools identified by a State under paragraph (2) shall be considered to be eligible schools under this title.

(2) DETERMINATION.—Not later than 180 days after the date the Secretary issues regulations under section 104, the Secretary shall identify the public elementary schools, public secondary schools and other instructional programs in the State that are at or above the 25th percentile for academic performance of schools in the State.

(b) PERFORMANCE.—The State shall determine if the underlying academic performance of schools under this section based on such criteria as the State may consider to be appropriate.
SEC. 106. SCHOLARSHIPS.
(a) IN GENERAL.—
(1) SCHOLARSHIP AWARDS.—With funds awarded under this title, each State awarded a grant under this title shall provide scholarships to the parents of eligible children, in accordance with subsections (b) and (c). The State shall ensure that the scholarships may be renewable for secondary education for the children at any of a broad variety of public and private schools, including religious schools, in the State.
(2) CONTINUING ELIGIBILITY.—The amount of each scholarship shall be $2,000 per year.
(3) TAX EXEMPTION.—Scholarships awarded under this title shall not be considered income for Federal income tax purposes, or for determining eligibility for any other Federal program.
(b) ELIGIBLE CHILDREN.—To be eligible to receive a scholarship under this title, a child shall be—
(1) a child who is enrolled in a public elementary school or secondary school that is an eligible school; and
(2) a member of a family with a family income that is not more than 200 percent of the poverty line.
(c) AWARD RULES.—
(1) PRIORITY.—In providing scholarships under this title, the State shall provide scholarships to children through a lottery system administered for all eligible schools in the State by the State educational agency.
(2) CONTINUING ELIGIBILITY.—Each State receiving a grant under this title to carry out an educational choice program shall provide a scholarship to each child who received a scholarship during the previous year, unless—
(A) the child no longer resides in the area served by an eligible school;
(B) the child no longer attends school;
(C) the child’s family income exceeds, by 20 percent or more, 200 percent of the poverty line; or
(D) the child is expelled or convicted of a felony, including felonious drug possession, possession of a weapon on school grounds, or a violent act against an other student or a member of the school’s faculty.
SEC. 107. USES OF FUNDS.
Any scholarship awarded under this title for a year shall be used—
(1) in—
(A) the payment of tuition and fees at the school selected by the parents of the child for whom the scholarship was awarded; and
(B) the costs of the child’s transportation to the school; if the school is not the school to which the child would be assigned in the absence of a program under this title;
(2) second, if the parents so choose, to obtain supplementary academic services for the child, at a cost of not more than $500, from a service provider chosen by the parents; that the State determines is capable of providing such services and has an appropriate refund policy; and
(3) third, for educational programs that help the eligible child achieve high levels of academic excellence in the school attended by the eligible child, if the eligible child chooses to attend a public school.
SEC. 108. STATE REQUIREMENT.
A State that receives a grant under this title shall allow lawfully operating public and private elementary schools and secondary schools, including religious schools, if any, serving the area involved to participate in the program.
SEC. 109. EFFECT OF PROGRAM
(a) IN GENERAL.—Notwithstanding any other provision of law, if a local educational agency in the State would, in the absence of an educational choice program that is funded under this title, provide services to a participating eligible child under part A of title I of the Elementary and Secondary Education Act of 1965, as the Secretary shall ensure the provision of such services to such child.
(b) INDIVIDUALS WITH DISABILITIES.—Nothing in this title shall be construed to affect the requirements of section 607(d) of the Rehabilitation Act of 1973 (29 U.S.C. 794(d)) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).
(3) PRIORITY.—In providing scholarships under this title, the State shall provide scholarships to children through a lottery system administered for all eligible schools in the State by the State educational agency.
(c) AWARD RULES.—
(1) PRIORITY.—In providing scholarships under this title, the State shall provide scholarships to children through a lottery system administered for all eligible schools in the State by the State educational agency.
(2) CONTINUING ELIGIBILITY.—Each State receiving a grant under this title to carry out an educational choice program shall provide a scholarship to each child who received a scholarship during the previous year, unless—
(A) the child no longer resides in the area served by an eligible school;
(B) the child no longer attends school;
(C) the child’s family income exceeds, by 20 percent or more, 200 percent of the poverty line; or
(D) the child is expelled or convicted of a felony, including felonious drug possession, possession of a weapon on school grounds, or a violent act against an other student or a member of the school’s faculty.
SEC. 110. EVALUATION.
The Comptroller General of the United States shall conduct an evaluation of the program authorized by this title. Such evaluation shall—
(1) assess the implementation of educational choice programs assisted under this title and their effect on participating schools, the educational achievement of all participating children, and the educational achievement of any participating children who are economically disadvantaged or have disabilities; and
(2) compare the educational achievement of participating eligible children with the educational achievement of similar non-participating children before, during, and after the program; and
(3) compare—
(A) the educational achievement of eligible children who use scholarships to attend schools other than the schools the child would attend in the absence of the program; and
(B) the educational achievement of children who attend the schools the child would attend in the absence of the program.
SEC. 111. ENFORCEMENT.
(a) REGULATIONS.—The Secretary shall promulgate regulations to enforce the provisions of this title.
(b) PRIVATE CAUSE.—No provision or requirement of this title shall be enforced through private cause of action.
SEC. 112. DEFINITIONS.
In this title:
(1) CHARTER SCHOOL.—The term “charter school” has the meaning given the term in sections 1201–1203 of the Elementary and Secondary Education Act of 1965 (as redesignated in section 1001 of Public Law 105–276; 112 Stat. 2667).
(2) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; PARENT; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms “elementary school”, “local educational agency”, “parent”, “secondary school”, and “State educational agency” have the meanings given the terms in section 4101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).
(3) POVERTY LINE.—The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.
(4) SECRETARY.—The term “Secretary” means the Secretary of Education.
(5) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and the District of Columbia.
TITLE II—REVENUE PROVISIONS
SEC. 201. PHASEOUT OF OIL AND GAS EXPELLING OF DRILLING AND DEVELOPMENT COSTS.
Section 36(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “This subsection shall not apply to the applicable percentage of the costs incurred in taxable years beginning after December 31, 1999. For purposes of the preceding sentence, the applicable percentage for any taxable year shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>20</td>
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<tr>
<td>2001</td>
<td>40</td>
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<tr>
<td>2002</td>
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<tr>
<td>2003</td>
<td>80</td>
</tr>
<tr>
<td>2004</td>
<td>80</td>
</tr>
</tbody>
</table>

SEC. 202. SUNSET OF ALCOHOL FUELS INCENTIVES.
(a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each repealed:
(1) Section 40 (relating to alcohol used as fuel).
(2) Section 401(h)(2) (relating to qualified methanol and ethanol).
(3) Section 401(k) (relating to fuels containing alcohol).
(4) Section 4081(c) (relating to alcohol used as fuel).
(5) Section 4091(c) (relating to reduced rate of tax for aviation fuel in alcohol mixture, etc.).
(6) Section 6427(f) (relating to gasoline, diesel fuel, kerosene, and aviation fuel used to produce certain alcohol fuels).
(7) The headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 2077).
(8) Effectiveness.—The repeal made by subsection (a) shall take effect on October 1, 1999.
SEC. 203. REPEAL OF ENHANCED OIL RECOVERY
CREDIT.
Section 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following:
“(b) TERMINATION.—In the case of taxable years beginning after December 31, 1999, the enhanced oil recovery credit is zero,”.
SEC. 204. REPEAL OF UNLIMITED PASSIVE LOSS DEDUCTIONS FOR OIL AND GAS PROPERTIES.
Section 469(c)(3) of the Internal Revenue Code of 1986 (relating to working interests in
oil and gas property) is amended by adding at the end the following:

“(C) TERMINATION.—This paragraph shall not apply with respect to any taxable year beginning after December 31, 1999.”

SEC. 205. SUGAR PROGRAM.

(a) ELIMINATION OF AUTHORITY TO USE SUGAR AS COLLATERAL FOR LOANS.—Section 156 of the Agricultural Market Transition Act (7 U.S.C. 2722) is amended—

(1) in subsection (d),—

(A) by striking “(d)” and all that follows through “A loan under” and inserting “(d) TERM OF LOANS.—A loan under”;

(B) by striking paragraph (2); and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(2) by redesigning subsection (g) and (3) by redesigning subsections (h) and (i) as subsections (g) and (h), respectively.

(b) ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) a processor of any of the 2003 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(B) the Secretary of Agriculture may not make price support available, whether in the form of a loan, purchase, or other operation, for any of the 2003 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or any other funds available to the Secretary.

(2) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(A) IN GENERAL.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a et seq.) is repealed.

(B) CONFORMING AMENDMENT.—Section 344(h)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(h)(2)) is amended by striking “sugar cane for sugar, sugar beets for sugar”;

(3) GENERAL POWERS.—

(A) DESIGNATED NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking “sugar beets, and sugar cane” and inserting “and milk”.

(B) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting after “agricultural commodities” the following: “other than sugary”.

(C) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 614; 7 U.S.C. 612c) is amended in the second sentence of the first paragraph—

(i) in paragraph (1), by inserting “(other than sugar)” after “commodities”; and

(ii) in paragraph (3), by inserting “(other than sugar)” after “commodities”;

(4) TERMINATION.—This subsection and the amendments made by this subsection shall not affect the liability of any person under any provision of law as in effect before the application of this subsection and the amendments made by this subsection.

(5) TERMINATION.—This subsection and the amendments made by this subsection shall apply beginning with the 2003 crop of sugar beets and sugarcane.

By Mr. THOMPSON:

S. 1513. A bill for the relief of Jacquelin Salinas, and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

Mr. THOMPSON. Mr. President, today I rise to introduce legislation to grant permanent resident status to Gabriela Salinas, 11, her mother Jacqueline, and her brothers, Alejandro, 11, and Omar, Jr., 4, all of whom currently live in Tennessee. Although I am aware that private relief legislation is enacted only in rare cases, I believe that the extraordinary circumstances surrounding the Salinas family merit consideration of this bill.

In March of 1996, Gabriela, then seven, and her father Omar Salinas left their home in Bolivia and traveled to New York City to seek lifesaving treatment at Mt. Sinai Medical Center for Gabriela’s rare bone cancer, ewing sarcoma. Gabriela, however, was denied treatment at Mt. Sinai because her family was unable to afford the $250,000 deposit required by the hospital.

Days later, Gabriela and her father were flown into Memphis, Tennessee, for treatment at the internationally renowned St. Jude Children’s Hospital. Actress Mario Thomas, whose father founded St. Jude,的学习部分 of the Salinas family’s misfortunes, arranged for Gabriela to receive pro bono treatment at St. Jude. Shortly after Gabriela’s chemotherapy treatment began, her mother, Jacqueline, and her three siblings joined her and her father in Tennessee. The family received an outpouring of sympathy and support from the Memphis community and looked forward to returning to Bolivia once Gabriela’s treatment was completed.

Tragically, however, on April 14, 1997, prior to the end of Gabriela’s treatment, Omar and Gabriela’s 3-year old sister, Valentina, were killed in a car accident on their way back from Washington, D.C. to renew their passports. Jacqueline, seven months pregnant at the time, was permanently paralyzed from the waist down. This terrible tragedy generated national media coverage and had no means of financial support. St. Jude Hospital generously stepped in to care for the family. The hospital, in fact, has made a commitment to provide full financial support for Jacqueline and her children to live permanently in the United States.

Because they do not meet the requirements for permanent residence under current immigration law, however, the Salinas family will be forced to leave the United States following the expiration of their tourist visas. Although Jacqueline’s son, Danny, nearly two years old, is a U.S. citizen, he will not be qualified to sponsor his sisters for residence until he reaches the age of twenty-one. Despite her background in teaching, Jacqueline does not qualify for permanent residence under any of the employment-based visa categories. Therefore, private relief legislation is the only means by which the family will be able to remain permanently in the United States.

Gabriela and her family have suffered through a long and difficult ordeal. Yet, with the compassion, generosity, and support of the people of Tennessee and the nation, they have managed to start a new life. The family has settled into a new home in Memphis. The children attend school in the community. And Gabriela continues to be treated under the care of some of the best doctors in the world. With the expiration of their tourist visas approaching, it is my hope that we can act soon to provide another critical setback for the Salinas family. I ask my colleagues to join me in supporting this legislation.

By Mr. CAMPBELL:

S. 1514. A bill to provide that countries receiving foreign assistance be conductive to United States business; to the Committee on Foreign Relations.

THE INTERNATIONAL ANTI-CORRUPTION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the International Anti-Corruption Act of 1999 to address the growing problem of official and unofficial corruption abroad and the dire impact on U.S. business. This bill is based on S.1200, which I introduced in the 105th Congress.

As the Co-chairman of the Commission on Security and Cooperation in Europe, I intend to address this growing problem of corruption. Last month, I chaired a Commission hearing that focused on the issues of bribery and corruption in the OSCE region, an area stretching from Vancouver to Vladivostok. The Commission heard that, in economic terms, rampant corruption and organized crime in this vast region costs U.S. businesses billions of dollars in lost contracts with direct implications for our economy.

Ironically, Mr. President, in some of the biggest recipients of U.S. foreign assistance—countries like Russia and Ukraine—the climate is either not conducive or outright hostile to American business. Last month, I also attended the annual session of the OSCE Parliamentary Assembly in St. Petersburg, Russia, where I had an opportunity to sit down with U.S. business representatives to learn, first-hand, the obstacles they face.

Mr. President, the time has come to stop providing aid as usual to those countries which line up to receive our assistance, only to turn around and fleece U.S. businesses conducting legitimate operations in these countries. For this reason, I am introducing the International Anti-Corruption Act of 1999 to require the State Department to submit a report and the President to certify by March 1 of each year that countries which receive U.S. for- eign aid are, in fact, conducive to American businesses and investors. If a country is found to be hostile to American businesses and investors, that country would be cut off. The certification would be specifically based on whether a country is making progress
in, and is committed to, economic reform aimed at eliminating corruption.

Under my bill, if the President certifies that a country’s business climate is not conducive for U.S. businesses, that country will, in effect, be put on probation. The country would continue to receive aid through the end of the fiscal year, but aid would be cut off on the first day of the next fiscal year unless the President certifies the country is making significant progress in implementing the specified economic indicators and is committed to recognizing the involvement of U.S. business.

My bill also includes the customary waiver authority where the national interests of the United States are at stake. For countries certified as hostile to or not conducive for U.S. business, aid can continue if the President determines it is in the national security interest of the United States. However, the determination expires after 6 months. President determines its continuation is important to our national security interest.

I also included a provision which would allow aid to continue to meet urgent humanitarian needs, including food, medicine, disaster and refugee relief, to support democratic political reform and rule of law activities, and to create private sector and nongovernmental organizations that are independent of government control, or to develop a free market economic system.

Mr. President, instead of jumping on the bandwagon to pump millions of additional tax dollars into countries which are hostile to U.S. businesses and investors, we should be working to root out the kinds of bribery and corruption that have an overall chilling effect on much needed foreign investment. Left unchecked, such corruption will continue to undermine fledging democracies worldwide and further impede the development of a market economy. I believe the legislation I am introducing today is a critical step in this direction, and I urge my colleagues to support its passage. I ask unanimous 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. 1514

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 “International Anti-Corruption Act of 1999”.

SEC. 2. LIMITATIONS ON FOREIGN ASSISTANCE.

(a) LIMITATIONS ON FOREIGN ASSISTANCE.

(1) REPORT AND CERTIFICATION.—In general.—Not later than March 1 of each year, the President shall submit to the appropriate committees a certification described in paragraph (2) and a report for each country that received foreign assistance under part I of the Foreign Assistance Act of 1961 during the fiscal year. The report shall describe which each such country is making progress with respect to the following economic indicators: (A) Implementation of comprehensive economic reform, based on market principles, private ownership, equitable treatment of foreign private investment, adoption of a legal and political framework necessary for such reform, protection of intellectual property rights, and respect for contracts.

(B) Elimination of corrupt trade practices by public officials and government officials.

(C) Transfer of wealth from private to public ownership.

(D) Moving toward integration into the world economy.

(2) CERTIFICATION.—The certification described in this paragraph means a certification as to whether, based on the economic indicators described in subparagraphs (A) through (C) of paragraph (1), each country is—

(i) conducive to United States business;

(ii) not conducive to United States business;

or

(ii) conducive to United States business.

(b) LIMITATIONS ON ASSISTANCE.—(1) COUNTRIES HOSTILE TO UNITED STATES BUSINESS.—

(A) GENERAL LIMITATION.—Beginning on the date the certification described in subsection (a) is submitted—

(i) none of the funds made available for assistance under part I of the Foreign Assistance Act of 1961 (including unobligated balances of prior appropriations) may be made available for the government of a country that is certified as hostile to United States business pursuant to subsection (a); and

(ii) the Secretary shall instruct the United States Executive Director of each multilateral development bank to vote against any loan or other utilization of the funds of such institution to or by any country with respect to which a certification described in clause (i) has been made.

(B) DURATION OF LIMITATIONS.—Except as provided in subsection (c), the limitations described in clauses (i) and (ii) of subparagraph (A) shall apply with respect to a country that is making significant progress in implementing the economic indicators described in subsection (a)(1) and is no longer hostile to United States business.

(2) COUNTRIES NOT CONDUCTIVE TO UNITED STATES BUSINESS.—

(A) GENERAL LIMITATION.—A country that is certified as not conducive to United States business pursuant to subsection (a) shall be—

(i) subject to the limitations provided in section (b)(2)(B) of this Act; and

(ii) not considered to be on probation beginning on the fiscal year following the fiscal year in which the country is certified as not conducive to United States business, beginning on the first day of the fiscal year following the fiscal year in which a country is certified as not conducive to United States business.

(B) DURATION OF LIMITATIONS.—Except as provided in subsection (c), the limitations described in clauses (i) and (ii) of subparagraph (A) shall apply with respect to a country that is certified as not conducive to United States business pursuant to subsection (a)(2)—

(i) none of the funds made available for assistance under part I of the Foreign Assistance Act of 1961 (including unobligated balances of prior appropriations) may be made available for the government of such country that making such funds available is important to the national security interest of the United States; and

(ii) the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote against any loan or other utilization of the funds of such institution to or by any country with respect to which a certification described in clause (i) has been made.

(C) DURATION OF LIMITATIONS.—Except as provided in subsection (c), the limitations described in clauses (i) and (ii) of subparagraph (A) shall apply with respect to—

(i) assistance to meet urgent humanitarian needs, including food, medicine, disaster, and refugee relief;

(ii) democratic political reform and rule of law activities;

(iii) the promotion of private sector and nongovernmental organizations that are independent of government control; and

(iv) the development of a free market economic system.

SEC. 3. TOLL-FREE NUMBER.

The Secretary of Commerce shall make available a toll-free telephone number for reporting by members of the public and United States businesses on the progress that countries receiving foreign assistance are making in implementing the economic indicators described in section 2. The information obtained from the toll-free telephone reporting shall be included in the report required by section 2(a).

SEC. 4. DEFINITIONS.

In this Act—

(1) APPROPRIATE COMMITTEES.—The term “appropriates committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) MULTILATERAL DEVELOPMENT BANK.—The term “multilateral development bank” means the International Bank for Reconstruction and Development, the International Development Association, and the European Bank for Reconstruction and Development.

By Mr. HATCH (for himself, Mr. DASCHLE, Mr. CAMPBELL, Mr. BINGAMAN, and Mr. DOMENICI):

S. 1515. A bill to amend the Radiation Exposure Compensation Act, and for other purposes; to the Committee on Health, Education, Labor, and pensions.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 1999

Mr. HARKIN. Mr. President, I rise to introduce the “Radiation Exposure Compensation Act Amendments of 1999,” known as RECAA 1999. I am pleased to be joined by Senator BEN Nighthorse CAMPBELL, the distinguished Senate Minority Leader, Senator TOM DASCHLE; Senator JEFF BINGAMAN; and Senator PETE DOMENICI in introducing this legislation.
These long awaited amendments will ensure that the United States government meets its responsibility to provide fair and compassionate compensation to the thousands of individuals adversely affected by the mining of uranium and from fallout during the testing and assembly of nuclear weapons in the early post-war years. These citizens helped our nation during the Cold War and we must not forget them.

In 1960, the Radiation Exposure Compensation Act (R.E.C.A 1990) was enacted. RECA, which I was proud to sponsor, affirmed the responsibility of the federal government to compensate individuals who were harmed by the radioactive fallout from atomic testing, for which the government took few precautions to ensure safety. Additionally, workers who have suffered long-term health problems because they were not adequately informed of the dangers faced during uranium mining were eligible for compensation under the act.

Administered through the Department of Justice, RECA has been responsible for compensating approximately 6,000 individuals for their injuries, but we can and should help a lot more. Based on the findings of the 1995, provides further scientific evidence for changes in the 1990 RECA amended based upon the findings claims with the Department of Justice. One complaint which I hear far too often is “that it is easier to compensate a dead miner, than one living with disease.” We cannot let this injustice continue. We have drafted the RECA Amendments of 1999 in response to these concerns.

We should not add a bureaucratic nightmare to the burden of disease and ill-health already carried by these citizens. Excessive red tape and burdensome hurdles have made it too difficult for some deserving individuals to be fairly compensated under the Act. We must streamline and speed up the application process. In addition, advances in our medical knowledge compel us to modify the 1990 Act to define better criteria for compensation and to include diseases that we now know have radiogenic causes.

Let me explain how this bill was developed. Compensable radiation exposure is defined by the 13 compensable diseases based upon the 1988 Radiation Exposure Veterans Compensation Act and the findings of the 1980 report of the Committee on the Biological Effects of Ionizing Radiations (BEIR–III). In 1992, RECA was amended based upon the findings of an updated BEIR–IV and –V Reports which defined a host of cancers that are considered for disability compensation due to radiation exposure. In addition, the report of the President’s Advisory Committee on Human Radiation Experiments, released in 1995, provides further scientific evidence for changes in the 1990 RECA law. The Committee reviewed 125 current studies and more than 200 public witnesses in evaluating the risks and diseases caused by exposure to radiation conducted in the Cold War period. The conclusions of the advisory committee are that the reduction in radiation level exposure, the elimination of distinction between smokers and nonsmokers for lung cancer, and the inclusion of other radiogenic diseases.

Based on the evidence in both the President’s Advisory Committee and the BEIR-V Committee Reports, we have extended the number of eligible radiogenic pathologies by six to include: lung, brain, colon, ovary, bladder, and salivary gland cancers. In addition, specific non-cancer diseases, such as silicosis, have been incorporated. Adding these diseases, which have been documented by science as linked to radiation exposure, will more fairly compensate our fellow citizens who were exposed to this danger so long ago.

With the inclusion of these modifications, miners, millers, and uranium ore transporters will be eligible in 11 western states to seek equitable compensation for the injuries they suffered because of the government’s effort to produce our nuclear defense arsenal. I have worked with Senators Daschle, Campbell, and Bingaman in reviewing Atomic Energy Commission records to document the uranium/vanadium mills supported by the U.S. government during and after the Manhattan Project. Eleven western states were found to have mines dating from 1947 through 1970 from which the U.S. government purchased radioactive ore.

Furthermore, uranium mills in these areas testify to the need to include millers who were exposed to radioactive decay without the benefit of state or government-instituted safety precautions. The report “Raw Materials in the Manhattan Project on the Colorado Plateau,” by William Chenoweth, a noted geologist, documents the tragedies of exposure endured by miners, millers, and ore transporters as they extracted, prepared and moved the radioactive ore for use in the nuclear arsenal. These changes would enable an estimated 6,000 individuals harmed by exposure to uranium radiation to seek compensation.

Of the thousands affected by radiation exposure, many of the downwinders, miners and millers were members of Indian tribes. Particularly noteworthy was the large number of U.S. atomic energy mines on Native American reservations. Many of these miners were not aware of the dangers that radiation exposure can cause, and the government did little to inform them of the risks. After RECA 1990 was passed into law, many complications have hindered members of Indian tribes from receiving compensation. In working with the members of the Navajo Nation and other Native American tribes, we have developed legislation that largely addresses their concerns. The bill also instructs the Attorney General to take into account and make appropriate allowances for the laws, traditions, and customs of Indian tribes.

I am delighted to join in the introduction of the “Radiation Exposure Compensation Act Amendments of 1999.”
For the last year, I have been working to extend the benefits of the Radiation Exposure Compensation Act (RECA) to South Dakotans who worked in uranium mines and a uranium mill in western South Dakota. This legislation would accomplish that goal, and I am very grateful to Senator Daschle for his hard work on this issue.

In the 9 years since the passage of RECA, we have had time to reflect upon its strengths and its shortcomings. During that time, it has become clear that we have not fully met our obligation to victims of our nuclear program. Most seriously, we have arbitrarily and unfairly limited compensation for underground miners to those in only five States, despite the fact that underground miners in other states such as South Dakota faced exactly the same risk to their health. This fact alone requires us to amend RECA so that we can right this wrong.

However, we have also excluded other groups of workers, and their surviving families, from compensation for serious health problems and, in some cases, deaths, that have resulted from their work to help defend our Nation. Many of those who worked in uranium mines and mills have developed serious respiratory problems as a result of exposure to uranium dusts and silica. Similar concerns have been raised about above-ground miners and uranium transportation workers as well.

This legislation would address those shortcomings and ensure that those who have suffered health problems because the government failed to warn them about the hazards of working with uranium are compensated. It is my hope that Congress will act on it this session so that we can provide compensation to these workers as quickly as possible.

There is one issue I hope we can address when the bill is considered in committee. Earlier this summer, I hosted a meeting of former uranium workers in Edgemont, SD. The most pressing concern of many of them was their inability to purchase affordable, quality health insurance due to the serious, ongoing health problems many of them have as a result of their work. Even if compensated by the Federal Government, they fear they are only one hospital stay away from bankruptcy. I can work with my colleagues over the next several months to determine how we can ensure that these workers, who sacrificed their health for their country, have access to affordable health insurance.

Finally, I have testified in the past the difficulty of tracking down documentation about South Dakota’s uranium mining and milling activities. For that reason, I ask unanimous consent that this letter be sent to you regarding past uranium mining activities in South Dakota. Both underground and surface uranium mining activities took place in South Dakota decades ago. While we can confirm that these activities took place, it is important to point out that South Dakota did not have a mining regulatory program during the years uranium mining took place. Therefore, there are no detailed records or statistical information in our files. Certain staff members have mainly collected the documents in our office as a result of interest in the subject. The information below is excerpted from some of these documents.

Uranium deposits of economic significance were discovered in 1951 in Fall River County, South Dakota, in what became known as the Edgemont mining district. Prospecting quickly intensified and by 1953 production of uranium ore increased to the point that the U.S. Atomic Energy Commission established a buying station in Edgemont. In 1954, a mill for processing uranium ore was completed in Edgemont. Commercial uranium deposits were also discovered in lignite beds of Hardin County in 1954.

According to our records, including Mullen and Agnew (1959) and Bieniewski and Agnew (1964), production of uranium ore occurred in Fall River and Harding Counties, as well as some production in Custer, Lawrence, and Pennington Counties (and an “unknown” county). The number of producing properties varied through the years. Bieniewski and McGregor (1965) indicate that in 1963 production of uranium ore was attributed to 37 operations, 19 of which were in Fall River County, 14 in Harding County, 3 in Custer County, and 1 in Pennington County. Production of ore reached a peak in 1964 (with 110.187 short tons of uranium) and then declined greatly in the late 1960’s (USGS, 1975 and Stotelmeyer, et al., 1966). According to Stotelmeyer, et al., (1967), it appears that there were 49 uranium mining operations in 1964, 29 of which were in Fall River County, 15 in Harding County, and 5 in Custer County.

The mill at Edgemont stopped producing uranium concentrates in 1972. By the end of 1973, nearly one million tons of uranium ore containing about 3,200,000 pounds of UO2 were produced from deposits in South Dakota (USGS, 1975).

Our records are very sketchy regarding the number of uranium mine employees. Bieniewski and Agnew (1964) indicate that the average number of men employed in uranium mines and mills in 1961 was 104, excluding government employees. 204,216 man-hours were worked in 1961. There were 23 uranium mine and mill operations that year. There were 10 nonfatal injuries in 1961, which equated to a frequency rate of 49 injuries per million man-hours (Bieniewski and Agnew, 1964).

In 1962, preliminary figures indicated that the average number of men employed was 103. A total of 202,062 man-hours were worked in 1962. There were 20 operations that year. There were 16 nonfatal injuries in 1962, which equated to a frequency rate of 54 injuries per million man-hours (Bieniewski and Agnew, 1964).

We were unable to locate uranium employment statistics for other years. I wouldn’t be surprised if there were more uranium mine employees in other years than those referenced in the 1961-1962 statistics and similar data such as during the peak production year of 1961.

Thank you for providing Peter Hanson with some information and references on the subject. Among other things, that information includes reference citations to several documents, publications, and maps that refer to uranium mining and uranium deposits in South Dakota, some of which are referenced here. We also sent the web address of our department’s web page on Inactive and Abandoned Mines in the Black Hills http://www.state.sd.us/denr/DE/ES/mining/acidmine.htm. Other names of some of the uranium mines are shown on the maps referred to above. If you would like copies of these maps, or of any of the other documents cited in the information sent to Mr. Hanson, please let us know.

You may wish to contact Dr. Arden Davis and Dr. Kate Webb at the South Dakota School of Mines and Technology for further information on uranium mining and abandoned uranium mines in South Dakota. If you have any questions or need further assistance, please contact Tom Durkin with the Minerals and Mining Program at 605-773-4201.

Construngionally,

Nettie H. Myers, Secretary.

South Dakota School of Mines and Technology, Rapid City, SD, January 8, 1999.

Senator Tom Daschle
Senate Hart Office Building,
Washington, DC.

Dear Senator Daschle: This letter is to provide a brief background on uranium mining in South Dakota as well as documentation of underground uranium mining activity within the state. Mr. Peter Hanson of your office contacted us earlier this week about this subject. Dr. Cathleen Webb and I have conducted inventories of abandoned mines in the Black Hills area for the U.S. Forest Service and for the South Dakota Department of Environment and Natural Resources, so we are familiar with uranium mining in the western Dakotas.

Uranium deposits were discovered in the southern Black Hills of South Dakota in 1961. By 1963, the former U.S. Atomic Energy Commission had established a buying station at Edgemont in Fall River County. A mill for processing uranium in Edgemont was completed in 1966. This mill served open-pit and underground mining operations in the southern Black Hills area. Uranium also was mined in Harding County, South Dakota.

Production of uranium ore in South Dakota reached its peak in 1964, according to the U.S. Geological Survey. In the late 1960’s, production declined after federal price supports were eliminated and demand decreased. The mill at Edgemont ceased production of uranium concentrates in 1972 and was de-commissioned in the 1980’s. Most underground mines in the Black Hills have been inactive or abandoned since the late 1960’s or early 1970’s.

Information from the former U.S. Atomic Energy Commission and the U.S. Geological Survey shows that nearly one million tons of uranium ore were mined in South Dakota from 1961 to 1972. Most of these hundred mines operated at one time or another in the Edgemont area, although in some cases several claims were consolidated later into a single mining operation. These mines were either classed as open-pits, but at least 22 mines had underground workings. These mines are listed
Mr. CAMPBELL. Today I join my colleague, Senator HATCH, in introducing the Radiation Exposure Compensation Act Amendments of 1999. These amendments, which are desperately needed, will help to provide much needed relief and assistance to many victims of uranium exposure and make this Act more consistent with current medical knowledge.

From 1946 to 1971, the United States purchased domestically-mined uranium for our nuclear weapons arsenal. Many of these mines were located in western Colorado, affecting citizens in my state. With the uranium mined there, in most cases at the behest of the state of Utah and throughout the western United States, we were able to develop vast stores of nuclear weapons, which were the key to our national security.

The cold war demanded that we keep producing these weapons in order to keep up with, and ultimately defeat, our Soviet Union enemy. It was not until many years later that scientists began to realize that, ironically, the uranium we were mining to help create weapons to protect us in a nuclear war, was actually killing those men who mined it.

Also harmed were those brave men and women who participated in atmospheric tests of the weapons armed with the uranium.

By 1971, the Atomic Energy Commission had put in place, and fully implemented, ventilation and safety procedures which greatly reduced the threat of radiation exposure. But for those miners and test-site participants who were already affected in the atomic weapons program in the years before the changes, there was little more available for them than a kind word and pat on the back as they developed cancer and other diseases.

In 1990, we took steps to change the way we treated these victims. I cosponsored a measure in the House which allowed victims of certain types of radiation exposure to file claims with the Department of Justice and collect up to $100,000 in damages. It was the first time we allowed victims of certain types of radiation exposure to file claims with the Department of Justice.

The first uranium miners compensation legislation was passed in 1979. I began to notice this problem more than 20 years ago, when I learned that miners had contracted an alarmingly high rate of lung cancer and other diseases commonly related to radiation exposure.

Many of the miners native Americans, mostly members of the Navajo Nation, with whom the U.S. Government has had a longstanding trust relationship based on the treaties and agreements between our country and among the tribes. Some 1,500 Navajos worked in the uranium mines from 1947 to 1971. Many of them have since died of radiation-related illnesses.

Many of the factors we thought contributed to cancer, such as coffee consumption, actually have no effect. Additionally, the unnecessarily long length of exposure, sometimes as high as 500 working level months, was determined by experts to be excessive and difficult to accurately measure and prove. The findings of the BEIR Committee have led us to seek to update the original law, with the advice and input of many experts in the health and mining fields, by amending the act with the latest scientific research.

It’s time to recognize what we started in the 1990 act. These victims need to be treated fairly and receive adequate care. We also owe it to the other people who worked with uranium to continue studying the effects of their contribution on their health. That’s why this bill expands coverage to other uranium victims and establishes grant programs for education and the prevention and early detection of radiogenic diseases.

I ask my colleagues to join us today in recommitting to the Radiation Exposure Compensation Act. I am pleased to join my colleagues, including the chairman of the Senate Judiciary and Indian Affairs Committees, in support of this legislation.

Mr. President, my home state of New Mexico is the birthplace of the atomic bomb. New Mexico’s national laboratories have long been involved in developing and testing nuclear weapons. One of the unfortunate consequences of our country’s rapid development of its nuclear arsenal was that many of those who worked in the earliest uranium mines, prior to the implementation of government health and safety standards in 1971, became afflicted with terrible illnesses.

I began to notice this problem more than 20 years ago, when I learned that miners had contracted an alarmingly high rate of lung cancer and other diseases commonly related to radiation exposure.

Many of the miners native Americans, mostly members of the Navajo Nation, with whom the U.S. Government has had a longstanding trust relationship based on the treaties and agreements between our country and among the tribes. Some 1,500 Navajos worked in the uranium mines from 1947 to 1971. Many of them have since died of radiation-related illnesses.

All of the uranium miners, including the Navajos, performed a great service out of patriotic duty to this country. Their work helped us to win the cold war. Unfortunately, our Nation failed to fulfill its duty to protect the miners’ health and some 20 years ago, I began the effort to see that the miners and their families received just compensation for their illnesses.

In 1978, in the 95th Congress, I introduced the first bill to compensate uranium miners who contracted radiation-related diseases. The bill was called the Uranium Miners Compensation Act, and it was the predecessor to the Radiation Exposure Compensation Act (RECA) which is law today.

The following year in 1979, I held the first field hearing on this issue in Grants, NM, to learn about the concerns and the health problems faced by uranium miners. In later years, I traveled to Shiprock, NM, and the Navajo Nation Indian Reservation to gather information on the uranium mines and their families.

Twelve years after I introduced that first bill, President Bush signed RECA into law. At the time, RECA was intended to provide fair and swift compensation for those miners and downwinders who had contracted certain radiation-related illnesses.

Since the RECA trust fund began making awards in 1992, the Department of Justice has approved a total $3,135,000,000 for claims at a value of nearly $37 million. For that work, the Department of Justice is to be commended.

The original RECA was a compassionate law which unfortunately has come to be administered in a bureaucratic, dispassionate and often unfair manner. Many claims have languished at the Department of Justice for far too long.

Miners and their families, particularly Navajos, often have waited many years for their claims to be processed. Many claims were denied because the miners were smokers and could not prove that their diseases were related solely to uranium mining. In other cases, miners faced problems establishing the requisite amount of working level months needed to make a successful claim. Native American claims delayed due to the native language of the original RECA has been translated because of difficulties associated with documenting native American marriages.

This bill makes some important, common sense changes to the radiation compensation program to address the problems I have outlined. First, it expands the list of compensable diseases to include new cancers, including leukemia, thyroid, and brain cancer. It also includes certain noncancer diseases, including pulmonary fibrosis. Medical science has been able to link these diseases to uranium mining in the 10 years since the enactment of the original RECA. We now know that prolonged radiation exposure can cause many additional diseases.

The bill also extends eligibility to above-ground and open-pit miners, millers and transport workers. The latest science tells us that the risks of disease associated with radiation exposure were not necessarily limited to those who worked in unventilated mines.
Most importantly, the bill requires the Department of Justice to take native American law and customs into account when deciding claims. I have heard countless stories about the inequities faced by the spouses of Navajo miners who have been unable to successfully obtain traditional tribal marriages to the satisfaction of the Justice Department under current law and regulations. This bill will change that, and make it easier for spousal survivors to make successful claims.

Mr. President, I am pleased to cosponsor this important legislation. The Congressional Budget Office estimates that the bill will cost close to $1 billion over the next 21 years. That is far less than some of the other proposals floated in the House and Senate during the past few years. This is a commonsense approach, which addresses many of the problems with the existing program, without unnecessarily expanding the scope of the Radiation Exposure Compensation Act. The chairman of the Senate Judiciary Committee has done a fine job crafting this bill and I have been pleased to work with him in that regard. I look forward to helping move this bill through the Senate.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 1516. A bill to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes; to the Committee on Governmental Affairs.

LEGISLATION TO RE-AUTHORIZE THE EMERGENCY FOOD AND SHELTER PROGRAM

Mr. LIEBERMAN. Mr. President, I am proud to join Chairman THOMPSON in introducing a bill that will re-authorize a small but highly effective program, the Emergency Food and Shelter Program, or EFS for short. The EFS program, which is administered by the Federal Emergency Management Agency, supplements community efforts to meet the needs of the homeless and hungry in all fifty states. I am pleased that my friend, Chairman THOMPSON, is sponsoring this legislation. Our Committee on Governmental Affairs has jurisdiction over the EFS program, and it is my hope that together we can generate even more bipartisan support for a program that makes a real difference with its tiny budget. The EFS program is a great help not only to the Nation's homeless population but also to working people who are trying to feed and shelter their families with minimal wages. Services supplemented by the EFS funding, such as food banks and emergency rent/utility assistance programs, are especially helpful to families with big responsibilities but small paychecks.

One of the things that distinguishes the EFS program is the extent to which it relies on non-profit organizations. Local boards in counties, parishes, and municipalities across the country advertise the availability of funds, decide on non-profit and local government agencies to be funded, and monitor the recipient agencies. The local boards, like the program's National Board, are made up of charitable organizations including the National Council of Jewish Communities, Catholic Charities, USA, the Salvation Army, and the American Red Cross. By relying on community participation, the program keeps administrative overhead to an unusually low amount.

The EFS program has operated without authorization since 1994 but has been sustained by annual appropriations. The proposed bill will re-authorize the program for the next three years. It will also authorize modest funding increases over the amounts appropriated in recent years. From 1990 the EFS program was funded at approximately $130 million annually, but that number was cut back by appropriators in fiscal year 1996 and has held steady at $90 million since then. Creeping inflation has taken an additional $130 million in 1999 dollars is equivalent to $165.6 million today. The draft legislation will authorize increases to $125 million in the coming fiscal year and an additional five million dollars each of the following two years. Although the increases will not bring the program's funding up to its previous levels, they will provide additional aid to community-based organizations struggling to meet the needs of the homeless and working poor in an era of steep budget cuts.

In summary, Mr. President, FEMA's Emergency Food and Shelter Program is a highly efficient example of the government relying on the country's non-profit organizations to help people in innovative ways. The EFS program aids the homeless and the hungry in a majority of the nation's counties and in all fifty states, and I ask my colleagues to support this program and our re-authorization efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill war ordered to be printed in the RECORD, as follows:

S. 1516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11332) is amended to read as follows:

"SEC. 322. APPROPRIATIONS. "There are authorized to be appropriated to carry out this title $125,000,000 for fiscal year 2000, $130,000,000 for fiscal year 2001, and $135,000,000 for fiscal year 2002."

SEC. 2. NAME DESIGNATION TO NOMINATING ORGANIZATION.

Section 301(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331(b)) is amended by striking paragraph (5) and inserting the following:

"(5) United Jewish Communities."

By Mr. ALLARD:

S. 1517. A bill to amend title XVIII of the Social Security Act to ensure that Medicare beneficiaries have continued access under current contracts to managed health care by extending the Medicare cost contract program for 3 years.

THE MEDICARE COST CONTRACT EXTENSION ACT

Mr. Allard. Mr. President, I am pleased to rise today to introduce the Medicare Managed Care Cost Contract Extension Act of 1999.

The Medicare Program traditionally offers participating HMOs two contracts to choose from: Medicare risk (Medicare+Choice) and Medicare cost. In an effort to expand and refine the Medicare+Choice program, Section 4002 of the Balanced Budget Act of 1997 terminates the Medicare cost contract program effective December 31, 2002. This termination of cost contracts will leave two options for a Medicare recipient, that of traditional Medicare fee-for-service and Medicare+Choice.

As of June of this year 358,658 Americans receive Medicare HMO service through Medicare cost contracts. The vast majority of these Americans live in rural areas where there are no Medicare+Choice options. In my state of Colorado, 51 percent of Medicare cost contract beneficiaries live in a county that does not currently have another Medicare HMO option. If the intention of the Balanced Budget Act and Medicare+Choice is to provide a standard, reliable option to Medicare fee-for-service coverage it has not yet accomplished this in rural areas. It appears to me that until Medicare+Choice coverage is available to rural cost contract recipients Congress should re-consider this sunset.

While I agree with the wisdom of the Balanced Budget Act, we have discovered a number of areas where the Act has not produced the results that Congress intended. As well meaning as the sunset provision for cost contracts may have been, I am confident that Congress has no intention of leaving rural Americans without a choice in their Medicare coverage.

The legislation I am introducing will postpone the sunset date by three years to December 31, 2005. I believe that this extension accomplishes a
number of things consistent with the Balanced Budget Act as it concerns cost contracting.

The Medicare Managed Care Cost Contract Extension Act of 1999 will not change current requirement that the Health Care Financing Administration produce a study and make recommendations by the date of the anticipated cost contracting termination. This study is currently due in January 2001. I think it is important that this report be delivered to Congress while there is still time to establish a permanent extension of the Medicare+Choice program that will maintain choice for Medicare recipients.

As we have seen in my home state of Colorado, Medicare+Choice options have not developed in rural areas currently served by Medicare cost contractors. The Balanced Budget Act may have intended to replace cost contracting services with Medicare+Choice options, but these options are not yet available. I believe it would be irresponsible to continue to move cost contract beneficiaries toward an option that is unavailable. If Medicare+Choice can effectively serve rural areas they should have time to establish themselves. Based on current trends in rural health, I do not believe that Medicare+Choice will be a viable option in 2002, and perhaps not any time in the foreseeable future.

I believe that Medicare beneficiaries deserve a choice in how they receive their health care, and for a few of us, in our nation the only nation to Medicare fee-for-service is through a cost contract. I hope that as we consider various proposals for Medicare reform that we will consider the 358,658 Americans who are facing the elimination of the Medicare option they chose to provide their health care.

By Mr. BAYH:

S. 1520. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to long-term caregivers; to the Committee on Finance.

EDUCATIONAL TAX RELIEF FOR AMERICAN WORKERS

Mr. BAYH. Mr. President, I am pleased to introduce legislation today that will help thousands of American workers with the financial burden associated with sending a daughter or son to college. In this climate of labor shortages, U.S. companies are looking for innovative ways to maintain and attract a dedicated and qualified workforce. Some companies have creatively turned to providing college scholarships for their employees' children. My legislation would allow employers to deduct these scholarships from their gross income. Under current law, an employee generally is not taxed on post-secondary education assistance provided by an employer for the benefit of the employee. My bill would extend this treatment to employer-provided education assistance provided by an employer for the benefit of the employees' children, up to $2,000 per child.

As many of my colleagues know, employer-provided education assistance is considered an integral tool in keeping America's workforce well trained and equipped to deal with the changing face of the New Economy. Current law not only allows companies to keep an up-to-date labor pool, but also allows many workers to move from low-wage, entry-level positions to executive ladder of success. Extending tax-free treatment to the children of employees not only will help working families, but will contribute to our nation's competitiveness in an increasingly dynamic global economy.

My legislation is very simple. It allows employees whose companies provide educational scholarships for employees' children to exclude up to $2,000 from gross income per child. An employee may not exclude more than $5,250 from gross income for employer education assistance. This is the limit established under Section 127(a)(2) of the Internal Revenue Code for employer education assistance. In essence, there would be "family cap." Workers could deduct a $2,000 scholarship for their child and could also exclude up to $3,250 of educational benefits for themselves, however, the combined amounts could not exceed $5,250.

I believe Congress should do all it can to help families with the soaring costs of higher education. In today's economy, American companies are no longer looking purely for a high-school diploma, but require that their workers have some sort of post-secondary education or training. Many working families struggle in providing this basic start which will help their children get well-paying jobs.

This piece of legislation is also a modest proposal. The Joint Committee on Taxation has scored this provision at $231 million over 10 years. I look forward to working with my colleagues in making sure that this provision is fully offset in a responsible manner.

Mr. President, I am pleased to lend my name to this legislation. For this legislation has been already introduced in a bi-partisan manner in the United States House of Representatives by Representatives LEVIN and ENGLISH. This bill has the support of over 60 Members of the House and I plan on working to ensure that this bill receives the same sort of bipartisan support that its companion in the House enjoys.

By Mr. SMITH of Oregon (for himself, Mrs. BOXER, Mr. GRAMS, and Mr. DODD):

S. 1520. A bill to amend the U.S. Holocaust Assets Commission Act of 1996 to extend the period by which the final report is due and to authorize additional funding; to the Committee on Banking, Housing, and Urban Affairs. U.S. HOLOCAUST ASSETS COMMISSION EXTENSION ACT OF 1999

Mr. SMITH of Oregon. Mr. President and Members of the Senate, next week our Nation will pass an important if unnoticed anniversary—the anniversary of one of the first official notification of the atrocities of the Holocaust. On August 8, 1942, Dr. Gerhart Reimer, the World Jewish Congress representative in Geneva, sent a cable to both Rabbi Stephen Wise—the President of the World Jewish Congress—and a British Member of Parliament. In it, Dr. Reimer wrote about "an alarming report" that Hitler was planning that all Jews in countries occupied or controlled Germany "should after deportation and concentration be exterminated at one blow to resolve once and for all the Jewish question in Europe." Our Government's reaction to this news was not our greatest moment during that terrible era.

First, the State Department refused to give the cable to Rabbi Wise. After Rabbi Wise got a copy of the cable from the British, he passed it along to the Undersecretary of State, who asked him not to make the contents public until it could be confirmed. Rabbi Wise wanted to make it public but he did tell President Roosevelt, members of the cabinet, and Supreme Court Justice Felix Frankfurter about the cable. None of them chose to act publicly on its contents.

Our Government finally did acknowledge the report some months later, but the question remains: how many lives could have been saved had we responded to this clear warning of the Holocaust earlier and with more vigor? The questions of how the United States responded to the Holocaust and, specifically, what was the fate of the Holocaust victims' assets that came into the possession or control of the United States government, is the focus of the Presidential Advisory Commission on Holocaust Assets in the United States, of which I am a member.

This bipartisan Commission—chaired by Edgar M. Bronfman—is composed of 21 individuals, including four Senators, four Members of the House, representatives of the Departments of the Army, Justice, State, and Treasury, the Chairman of the United States Holocaust Memorial Council, and eight private citizens.

The Commission is charged with conducting original research into what happened to the assets of Holocaust victims—including gold, other financial instruments and art and cultural objects—that passed into the possession or control of the United States government, including the Federal Reserve. We are also to survey the research done by others about what happened to the assets of Holocaust victims that passed into non-Federal hands, including State governments, and report to the President, make recommendations for future actions, whether legislative or administrative.

The Commission was created last year by a unanimous Act of Congress, and has been hard at work since early this year. Perhaps the most important information that the Commission's preliminary research has uncovered is the fact that the question of the extent of
to which assets of Holocaust victims fell into Federal hands is much, much larger than we thought even a year ago, when we first established this Commission. 

Last month, at the quarterly, meeting of the Commissioners in Washington, we unveiled a “map” of Federal and related offices through which these assets may have flowed. To everyone’s surprise, taking a sample year—1943—we found more than 75 separate entities that may have been involved.

The Presidential Advisory Commission on Holocaust Assets in the United States is seeking the truth about the belongings of Holocaust victims that came into the possession or control of the United States government. All of my colleagues should support this endeavor, and we must give the Commission the time and support it needs by supporting the U.S. Holocaust Assets Commission Extension Act of 1999.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

SEC. 1. SHORT TITLE.
This Act may be cited as the “U.S. Holocaust Assets Commission Extension Act of 1999.”


(b) REAUTHORIZATION OF APPROPRIATIONS.—Section 9 of the U.S. Holocaust Assets Commission Act of 1998 (22 U.S.C. 1621 nt.) is amended—

(1) by striking “$3,500,000” and inserting in lieu thereof “$6,000,000”; and


By Mr. AKAKA:
S. 1522. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and forestry.

PET SAFETY AND PROTECTION ACT OF 1999

Mr. AKAKA. Mr. President, today I am introducing the Pet Safety and Protection Act of 1999, a bill to close a serious loophole in the Animal Welfare Act. Senators Kennedy, Durbin, Inouye and Leibin are cosponsors of the legislation.

Congress passed the Animal Welfare Act over 30 years ago to stop the mistreatment of animals and to prevent the unintentional sale of family pets for laboratory experiments. Despite the Animal Welfare Act’s well-meaning intentions and the enforcement efforts of the Agricultural Advisory Commission, the Act routinely fails to provide pets and pet owners with reliable protection against the actions of some unethical dealers.

Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against AIDS, cancer, and a host of life-threatening diseases. Animal research has been vital, and continues to be, fundamental to advancements in medicine. I am not here to argue whether animals should or should not be used in research. Rather, I am concerned with the sale of stolen pets and stray animals to research facilities. These are less than 40 “random source” animal dealers operating throughout the country who acquire tens of thousands of dogs and cats. “Random source” dealers are USDA licensed Class B dealers that provide animals for research. Many of these animals are family pets, acquired by so-called “bunchers” who sometimes resort to theft and deception as they collect animals and sell them to Class B dealers. “Bunchers” are paid to “free pet to a good home” advertisements, tricking animal owners into giving away their pets by posing as someone interested in adopting the dog or cat. Some random source dealers are known to keep hundreds of animals at a time in squalid conditions, feeding them with little food or water. The mistreated animals often pass through several hands and across state lines before they are eventually sold by a random source dealer to a research laboratory.

Mr. President, the use of these animals in research is subject to legitimate criticism because of the fraud, theft, and abuse that I have just described. Dr. Robert Whitney, former director for the Office of Animal Care and Use at the National Institutes of Health echoed this sentiment when he stated, “The continue existence of these virtually unregulatable Class B dealers erodes the public confidence in the Animal Welfare Act and appropriate procurement, care, and use of animals in the important research to better the health of both humans and animals.” While I doubt that laboratories intentionally seek out stolen or fraudulently obtained dogs and cats as research subjects, the fact remains that these animals end up in research laboratories, and little is being done to stop it. Mr. President, it is clear to most observers, including animal welfare organizations across the country, that this problem persists because of random source animal dealers.

The Pet Safety and Protection Act strengthens the Animal Welfare Act by prohibiting the use of random source animal dealers as suppliers of dogs and cats to research laboratories. At the same time, the Pet Safety and Protection Act preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the Animal Welfare Act. The permissible sources are USDA-licensed Class A dealers or breeders, municipal pounds that choose to release dogs and cats for
Mrs. LINCOLN. Mr. President, I am introducing legislation today to build solid but simple principles and takes steps to reestablish a safety net for farmers. To reconstruct the safety we must restore the formula based marketing loan structure that existed prior to the 1996 Farm Bill. Loan rates were arbitrarily capped in 1996 and I feel that it is imperative to return this assistance loan back into a formula based, market-oriented program. In doing so, loan rates would more accurately reflect market trends and provide an adequate price floor for producers. No business in America can survive selling their products below cost of production. With Depression era prices, that is the situation our farmers currently face. An adequate safety net must be restored. This legislation also extends the loan term by up to six months, allowing farmers more time to market their crops at the most advantageous price.

Secondly, my legislation would require the President to fully explain the benefits and costs of existing food sanctions. We cannot expect the agricultural community to survive. We cannot let our foreign policy objectives cloud our common sense. These sanctions rarely impose significant hardship on the dictators against whom they are targeted. The unfortunate victims are the innocent citizens of these foreign lands and the U.S. producers who lose valuable markets. If those restrictions are put into place. We require cost/benefit analysis from almost all sections for our government regulators. We should do no less in our agricultural trade arena. I am also very committed to preserving our environment. The Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP) are responsible for taking a great number of acres out of production. Unfortunately, these programs are victims of their own success because they are near the maximum enrollment levels allowed by current law. I propose to expand these programs. So that even more marginal acreage is eligible for participation.

I urge my colleagues to act quickly and address the growing crisis in the agriculture community. Everyone of us enjoys the safest, most abundant, and most affordable food supply in the world. Unfortunately, we often take that for granted in this nation. The consequences of doing nothing are far too great. This safe and abundant supply will not be there for this Nation or the world if we do not support our family farmers at this critical time.

By Mr. BREAUX:

S. 1524. A bill to amend title 49, United States Code, to provide for the creation of a certification program for Motor Carrier Safety Specialist and certain informational requirements in order to promote highway safety through a comprehensive review of motor carriers; to the Committee on Commerce, Science, and Transportation.

MOTOR CARRIER SAFETY SPECIALIST CERTIFICATION ACT

Mr. BREAUX. Mr. President, I rise to introduce the Motor Carrier Safety Specialist Act. The reason for the Act is to ensure that all inspectors performing compliance reviews on interstate and intra-state motor carriers are certified to a uniform standard and proficiency. This Act is in part a response to the recent bus accident in Louisiana by Custom Bus Charter, Inc., in which 22 people were killed, and in which the driver was found to have marijuana in his system.

In July 1996, just four months after the Federal Highway Administration ("FHWA") inspected and assigned a Satisfactory rating to Customs Bus Charter, Inc., a private company under contract to the Department of Defense for Custom Bus Charter, Inc., for not having a drug and alcohol testing program. The absence of a drug and alcohol testing program is a FHWA Critical violation for which the carrier should have been assigned, at best, a Conditional rating by FHWA. Furthermore, 27 percent of motor carriers that were assigned a Satisfactory rating by FHWA, failed to enter the DoD program because of Critical violations discovered by the DoD contractor. These examples demonstrate that FHWA does not have the authority to certify inspectors, and that compliance reviews are not always performed in a consistent or accurate manner.
In addition to inconsistent inspection, FHWA cannot possibly collect sufficient safety information on the motor carrier industry. There are estimated to be more than 450,000 interstate motor carriers licensed to do business in the United States. The Federal Highway Administration has the authority to conduct only a limited number of compliance reviews annually. While they intend to double the current level of inspections, this will only bring the total to safety-Spexately 8,000 inspections annually, less than 2 percent of the estimated motor carrier population, with more than twice that amount entering and exiting the market. Over 70 percent of existing motor carriers have never been inspected by FHWA, and fewer than 5 percent of the inspections conducted could be considered current, within the past three years.

Clearly, the problem is twofold: FHWA is in desperate need of more information regarding the compliance level of carriers licensed to do business, and, those individuals that collect the information through inspections must possess some uniform level of competence and consistency. Thus, this Act seeks to certify the Motor Carrier Safety Specialist Certification Board, a non-profit organization, which currently provides certification to private organizations, both in the public and private sectors, so that these professionals can perform consistent compliance reviews and provide safety data on motor carriers to the government and the public. The Act not only provides for certification and training of federal motor carrier safety specialists, but state, local, and third-party safety specialists as well.

Third-party private auditors can provide additional information to assist FHWA in monitoring carrier performance. Previously, the FHWA has not accepted information from private sources because there is no certification of their proficiency. The Motor Carrier Safety Specialist Certification Board, a non-profit organization, would be formed by technical representatives of the transportation industry, for the expressed purpose of working with the Secretary of Transportation to establish a training and certification program for Motor Carrier Safety Specialists and to serve as a clearinghouse for motor carrier data from third-party auditors. This follows the policy contained in Office of Management and Budget Circular Number A–119 and directives agencies to use voluntary standards where possible and the model used successfully by the Environmental Protection Agency for referring federally mandated certification to private organizations.

Furthermore, FHWA needs accurate and current information on motor carriers in order to target its resources toward problem carriers. Investigations by the General Accounting Office and the Department of Transportation's Inspector General have found that FHWA's motor carrier data are inadequate and out-of-date, limiting FHWA's ability to identify and target "at risk" carriers. Private auditors could provide additional information to augment FHWA's database. The Motor Carrier Safety Specialist Certification Board would establish a program to collect and verify current information on motor carriers, and provide this information to the Federal Highway Administration to augment their database.

Finally, the public must play a role in removing unsafe carriers from U.S. highways by considering safety first when hiring a motor carrier. Simply put, if the public does not hire carriers that have poor safety performance, they will be put out of business and off our nation's highways. A media campaign must be implemented to educate the public on their role in increasing motor carrier safety, and about publicly available information systems that provide safety information on motor carriers. Two such Internet-accessible systems are the publicly-funded FHWA SAFER system and the privately-funded Motor Carrier Audit Commission (IMCAC). This program can be quickly implemented due to the support of existing groups that are equipped to carry out training, certification and clearing-house functions, such as the Commercial Vehicle Safety Alliance (CVSA) which currently provides certification for roadside vehicle inspectors, and the International Motor Carrier Audit Commission (IMCAC) which currently provides safety data to the public. I ask you to extend that the text of this bill be printed into the RECORD.

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

S. 1324
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 "Motor Carrier Safety Specialist Certification Act".

SEC. 2. FINDINGS AND PURPOSE.
(a) FINDINGS.—The Congress finds the following:
(1) The Transportation Equity Act for the 21st Century provides for the Secretary of Transportation to work in partnership with States and other political jurisdictions to establish programs to improve motor carrier, commercial motor vehicle, and driver safety, to support a safe and efficient transportation system by focusing resources on strategic safety investments, to promote safe-for-hire and private transportation, including transportation of passengers and hazardous materials, to identify high-risk carriers and driver risks, and to implement policies to generate maximum reductions in the number and severity of commercial motor vehicle crashes.
(2) The Department of Transportation's Office of Inspector General Report on the Federal Highway Administration's Motor Carrier Safety Program found that established policies and procedures to ensure that motor carrier safety regulations are enforced.
(3) The Report also found that the Safety Status of Carriers, also known as "SafeStat"), which was implemented to identify and target motor carriers with high-risk safety records, cannot target all carriers with the worst records because its database is incomplete and inaccurate, and data input is not timely.
(b) PURPOSE.—The purpose of this Act is to provide for the creation of a certification program for Motor Carrier Safety Specialists and to establish certain informational requirements in order to promote highway safety through a comprehensive review of motor carriers.

SEC. 3. CREATION OF A CERTIFICATION PROGRAM FOR MOTOR CARRIER SAFETY SPECIALISTS.
(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end thereof the following:

"§31148. Certified motor carrier safety specialists.
(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Motor Carrier Safety Specialist Certification Board, shall establish a program for the training and certification of Federal, State and local government, and nongovernmental motor carrier safety specialists by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is—
(1) exempt from taxation under section 501(c)(3) of such Code established for the exclusive purpose of developing and administering training, testing, and certification procedures for motor carrier safety specialists; and
(2) designated by the Secretary as the entity for carrying out the requirements of this section.
(2) Certified Compliance Review Requirements.—No safety compliance review under this chapter, or required by this chapter, chapter 315, or the regulations in part 390 of title 49, Code of Federal Regulations, more than 3 years after the date of enactment of the Motor Carrier Safety Specialist Certification Act is valid unless it is conducted by a motor carrier safety specialist certified under the program established under subsection (a) ."
(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 311 of title 49, United States Code, is amended by adding at the end thereof the following:

"§31148. Certified motor carrier safety specialists.
(a) IN GENERAL.—The Secretary of Transportation shall establish the program required by section 31148(a) of title 49, United States Code, within 12 months after the date of enactment of this Act.
(b) CERTIFICATION OF FEDERAL MOTOR CARRIER SAFETY SPECIALIST.—The Secretary shall ensure that—
(1) within 24 months after the date of enactment of this Act—
(A) at least 50 percent of the employees of the Department of Transportation who perform reviews to determine compliance of carriers in accordance with regulations promulgated by the Secretary of Transportation, and
(B) all State and local government employees who perform such compliance reviews, are certified under the program established under section 31148 of title 49, United States Code; and
(2) within 36 months after such date, all Federal, State and local employees, and all nongovernmental personnel, performing such compliance reviews, are certified under section 31148.

SEC. 5. CLEARINGHOUSE FUNCTION.

(a) VERIFICATION OF INFORMATION.—Section 31106(a) of title 49, United States Code, is amended by adding at the end the following:—

"(5) In carrying out the provisions of this section and section 31309, the Secretary shall accept and include information, subject to verification by the clearinghouse established by the Motor Carrier Safety Specialist Certification Board, obtained from non-governmental motor carrier safety specialists certified under section 31148.

(b) INFORMATION AVAILABLE TO PUBLIC.—Section 31105(e) of title 49, United States Code, is amended by adding at the end the following:

"(a) VERIFICATION OF INFORMATION.—Section 31106(a) of title 49, United States Code is made available to the public, in accordance with such policy, in an easily accessible and understandable manner through the clearinghouse established by the Motor Carrier Safety Specialist Certification Board no later than January 1, 2002."

SEC. 6. PUBLIC EDUCATION FUNCTION.

The Secretary shall maintain a public education effort to promote the use of safety performance information available under chapter 311 of title 49 United States Code, and shall by regulation require motor carriers to provide certification, obtained from non-govern mental motor carrier safety specialists certified under section 31148, to the production of hydropower by the Grand Coulee Dam.

The legislation I am introducing seeks to compensate the Spokane Tribe for its losses. In 1994, Congress enacted similar settlement legislation to compensate the neighboring Umpqua Confederated Colville Tribe. That legislation provided a onetime payment of $53 million for past damages and approximately $15 million annually from the proceeds of the sale of hydropower by the Bonneville Power Administration. The Spokane Tribe settlement legislation would provide a settlement proportional to that provided to the Colville Tribes, which was based on the percentage of lands appropriated from the respective tribes for the dam. This translates into 38.4% of the past and future compensation awarded the Colville Tribes.

Let me give my colleagues some of the background surrounding this issue. From 1927 to 1931, at the direction of the Congress, the Corps of Engineers investigated the Columbia River and its tributaries. In its report to Congress, the Corps recommended the Grande Coulee site for hydroelectric development. In 1933, the Department of Interior realigned the project under the National Industrial Recovery Act, and in 1935, Congress authorized the project in the Rivers and Harbors Act.

In 1940, Congress enacted a statute to authorize the Interior Department to designate whichever Indian lands it deemed necessary for Grand Coulee construction and to receive all rights, title, and interest the Indians had in them. In return, the Tribes received compensation in the amount determined by Interior Department appraisals. However, the only land that was appraised and for which Tribes were compensated was the newly flooded area, for which the Spokane Tribe received $470 million. There is no evidence that the Department advised that or that Congress knew that the Tribes’ water rights were not extinguished. Neither was there evidence the Department knew the Indian title and trust status for the Tribal land underlying the river beds had not been extinguished. No compensation was included for the power value contributed by the use of the Tribal resources or for the loss of the Tribal fisheries or other damages to the Tribes.

As pointed out in a 1976 Opinion of Lawrence Aschenbrenner, the Acting Associate Solicitor, Division of Indian Affairs, Department of Interior

The 1940 act followed seven years of consultation during which Indian lands, and timber lands were flooded, and a fishery destroyed, and during which Congress was silent as to the Indian interests affected by the construction. Both the Congress and the Department of Interior appeared to proceed with the Grand Coulee project as if there were no Indians involved there... There is no tangible evidence, currently available, to indicate that the Department ever consulted with the Tribes during the 1933–1940 period concerning the ongoing destruction of their lands and resources and proposed compensation therefor. ... It is our conclusion that the location of the dams on tribal land and the use of the water for power production, with compensation to the Tribes for the government’s fiduciary duty toward the Tribes.

In 1994, the Colville legislation settled the claims of the Colville Tribes to a share of the hydropower revenues from the Grand Coulee Dam. This claim was among the claims which the Colville Tribes filed with the Indian Claims Commission (ICC) under the Act of August 13, 1946, which included a five year statute of limitations. While the Colville Tribes had been formally organized for more than 15 years, the Colville Tribe did not formally organize until 16 days prior to the ICC statute of limitations deadline. In addition, while the BIA was aware of the potential claims of the Spokane Tribe to a portion of the hydropower revenues generated by Grand Coulee, there is no evidence that the BIA ever advised the Tribe of such claims. The settlement for the Spokane Tribes was not included with that for the Colville Tribes in 1994 because the Colvilles had concerns that the statute of limitations would hold up the legislation.

Since the 1970s, Congress and federal agencies have indicated that both the Colville and Spokane Tribes should be compensated. Since 1994, when an agreement was reached to compensate the Colville Tribes, Congress and federal agencies have expressed interest in providing equitable compensation to the Spokane Tribe. This legislation will provide for the long overdue settlement to which the Spokane Tribe is entitled. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
with the sole exception that the 5-year statute of limitations provided in the Indian Claims Commission Act of 1946 prevented the Spokane Tribe from bringing its own action for fair and honorable dealings as provided in that Act.

(11) The failure of the Spokane Tribe to bring an action of its own before the Indian Claims Commission did not preclude the opportunity for the Spokane Tribe to avoid a combination of factors, including the failure of the Bureau of Indian Affairs to carry out its advisory responsibilities as required by the Indian Claims Act (Act of August 13, 1946, ch. 959, 60 Stat. 1050) and an effort of the Commissioner of Indian Affairs to impose monetary claims on attorneys retained by Indian tribes which caused delays in retention of counsel and full investigation of the Spokane Tribe’s potential claims.

(12) As a consequence of construction of the Grand Coulee Dam project, the Spokane Tribe has suffered the complete loss of the salmon fishery upon which it was dependent, the loss of identified hydropower sites it could have developed, the loss of hydropower revenues it would have received under the Federal Power Act had the project not been federalized, and it continues to lose hydropower revenues which the Federal Government recognized was due at the time the project was constructed.

(13) Over 39 percent of the Indian-owned lands used for the Grand Coulee Dam project were Spokane Tribe lands.

SEC. 3. STATEMENT OF PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe on a basis that is proportional to the compensation provided to the Confederated Tribes of the Colville Reservation for the damages and losses suffered as a consequence of construction and operation of the Grand Coulee Dam project.

SEC. 4. SETTLEMENT FUND ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is hereby established in the Treasury an interest-bearing account to be known as the “Spokane Tribe of Indians Settlement Fund Account.”

(b) DEPOSIT OF AMOUNTS.—(1) INITIAL DEPOSIT.—Upon enactment of this Act and appropriation of funds, the Secretary of the Treasury shall deposit into the Fund Account 39.4 percent of the sum paid to the Confederated Tribes of the Colville Reservation in a lump sum pursuant to section 4(a) of the Confederated Tribes Act, and adjust such amount to the consumer price index from the date of that payment of the Confederated Tribes until the date of enactment of this Act, and payment and satisfaction of the Spokane Tribe’s claim for use of its lands for generation of hydropower for the period from 1940 through November 2, 1994, then through the fiscal year pursuant to section 5(b) of the Confederated Tribes Act.

(2) SUBSEQUENT DEPOSITS.—Commencing on September 30 of the first fiscal year following enactment of this Act and following each thereafter, the Confederated Tribes of the Colville Reservation shall deposit into the Fund Account a sum equal to 20 percent of 39.4 percent of the sum authorized to be paid to the Confederated Tribes of the Colville Reservation pursuant to section 5(b) of the Confederated Tribes Act, and adjusted to the consumer price index through the end of the fiscal year during which this Act is enacted, adjusted, by the consumer price index on the date payments are made to the Spokane Tribe on the date annual payments commenced and were subsequently made to the Confederated Tribes of the Colville Reservation pursuant to section 5(b) of the Confederated Tribes Act.

SEC. 5. USE AND TREATMENT OF SETTLEMENT FUNDS.

(a) TRANSFER OF FUNDS TO TRIBE.—The Secretary of the Treasury shall transfer all or a portion of the funds described in section 4(a) and (b) shall be transferred to the Tribe.

(b) USE OF INITIAL SETTLEMENT FUND.—(1) GENERAL DISCRETIONARY FUNDS.—Twenty-five percent of the funds described in section 4(a) and (b) shall be used for the following:

(A) Resource development program.

(B) Credit program.

(C) Scholarship program.

(D) Reserve, investment, and economic development programs.

(c) USE OF ANNUAL PAYMENT FUNDS.—Annual payments made to the Spokane Tribe pursuant to section 5(b) shall be disposed of as other tribal governmental funds, be shared with the Tribe and used by the Tribe as other tribal governmental funds.

(d) APPROVAL OF SECRETARY NOT REQUIRED.—Notwithstanding any other provision of law, the approval of the Secretary of the Treasury or the Secretary of the Interior for any payment, distribution, or use of the funds authorized by this Act shall not be required and shall have no trust responsibility for the investment, supervision, administration, or expenditure of such funds once such funds are transferred to or paid directly to the Tribe.

(e) ANNUAL PAYMENTS.—On September 1 of the fiscal year following the enactment of this Act and of each fiscal year thereafter, payments shall be made by the Bonneville Power Administration to the Spokane Tribe for the benefit of the Spokane Tribe and its successors, if any, on a regular basis in an amount which is equal to 39.4 percent of the annual payment authorized to be paid to the Confederated Tribes of the Colville Reservation in the operative and each subsequent fiscal year pursuant to section 5(b) of the Confederated Tribes Act.

SEC. 6. REPAYMENT CREDIT.

In the first fiscal year following enactment of this Act and continuing for so long as annual payments are made under this Act, the Administrator of the Bonneville Power Administration shall deduct from the interest payable to the Secretary of the Treasury from net proceeds as defined in section 13 of the Federal Columbia River Power System Act the amount of the payment made to the Spokane Tribe for the prior fiscal year. The actual percentage
of such deduction shall be calculated and adjusted to ensure that the Bonneville Power Administration receives a deduction comparable to that which it receives for payments made to the Confederated Tribes of the Colville Reservation pursuant to the Confederated Tribes Act. Each deduction made under this section shall be credited to the investment entity and paid by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made, and shall be allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during that year; except that, if the deduction in any fiscal year is greater than the interest due on debt associated with the generation function for the fiscal year, then the amount of the deduction that exceeds the interest due on debt associated with the general function shall be allocated pro rata to all other interest payments due during that fiscal year. To the extent that the deduction exceeds the total amount of any such interest, the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

SEC. 7. SATISFACTION OF CLAIMS.

Payment under section 4 shall constitute full payment in satisfaction of the Spokane Tribe’s claim to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project from 1940 through the fiscal year prior to the fiscal year during which this Act is enacted and represents the Spokane Tribe’s proportional entitlement of hydropower revenues based on the lump sum payment for damages from 1940 through 1964 and the annual payments by the Bonneville Power Administration to the Colville Tribes commencing in fiscal year 1995 through the fiscal year that this Act is enacted.

SEC. 8. DEFINITIONS.

For the purposes of this Act—

(1) the term “Confederated Tribes Act” means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (P.L. 103–496; 108 Stat. 4577); and

(2) the term “Fund Account” means the Spokane Tribe of Indians Settlement Fund Account established under section 4(a); and

(3) the term “Spokane Tribe” means the Spokane Tribe of Indians of the Spokane Reservation.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. ROCKEFELLER (for himself, Mr. ROBB, Mr. SARBANES, Mr. KERRY, Mr. KENNEDY, and Mr. DASCHLE):

S. 1356. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities that provide capital to create new markets in low-income communities; to the Committee on Finance.

NEW MARKETS TAX CREDIT

MR. ROCKEFELLER. Mr. President, I rise today to introduce a new tool, the “New Markets Tax Credit,” to be used to expand economic development opportunities in low-income communities in West Virginia and across this country. I’m very pleased that my good friends, Senator ROBB, SARBANES, KERRY, and KENNEDY, are joining me in this effort.

Despite the unprecedented period of expansion of the U.S. economy, many urban and rural areas continue to be held back by stubborn problems such as high unemployment and underemployment, insufficient affordable housing, shortages of services such as day care and shopping centers, and perhaps most importantly, by a chronic shortage of the types of investment capital needed to stimulate and support community development.

For example, in West Virginia, we have counties where the official unemployment rate is as high as 14%. Counties like Mingo, McDowell, Logan and Boone have seen devastating job losses in the past two decades. For these rural communities, the nation’s current economic boom is a distant echo. It’s not that these people do not want to work, or that the entrepreneurial spirit is lacking. A major factor is the lack of private sector equity investment for business growth.

I have been pursuing economic development opportunities in my state for over 30 years, and perhaps the largest problem I’ve encountered is the lack of venture capital. America’s most depressed economic areas desperately need private investment. They get very little not only because they are unattractive to the venture capital community because of misperceptions and market failures. A lack of information, for instance, means that many companies may have an exaggerated idea of the risk of investing in deprived areas, and often have no clear markets. Yes, it is true that private venture capital investment rose 24% in 1998, 76% of the total went to technology-based companies—primarily in California’s Silicon Valley and New England’s high-tech corridors. But only 5.7% of all venture capital in 1998 went to Central, Southwest, and Northwest regions combined. Obviously, this is a huge disparity that needs to be corrected.

The New Markets Tax Credit is designed to encourage $6 billion in private sector equity investment for business growth in low and moderate income rural and urban communities. It would do that by providing tax credits for investments of $1.2 billion annually.

The investments would be made by banks, foundations, companies or individuals. These investors would acquire stock or other equity interests in selected community economic development entities whose primary mission is to serve rural and urban communities with high poverty and low median income would be targeted.

The tax credits would be issued by the U.S. Department of Treasury to the selected entities. These entities in turn would sell or syndicate the credit to investors. The tax credit ultimately delivered to the investor would be in the amount of 6 percent annually of the amount of the investment, for an approximate aggregate value to the investor of the “present value” of the original investment over the 7 years. A “qualified investment” by an investor would be a cash purchase of stock or other equity in a selected entity, which must be held for at least 7 years. Substantially all of the investment would be required to be used by the community economic development entity to make “qualified low-income community investments,” which would be equity investments in, or loans to, qualified active businesses in the low-income communities.

The goal of this tax credit will be to establish private capital in high-risk areas that may have never considered investing in high-risk areas to do so. By investing in the community through local businesses, private investors can explore new markets and improve the quality of life for the people in the area. Community development organizations may use the funds from private investors to develop micro-enterprise, manufacturing businesses, commercial facilities, communities facilities, like schools, day care centers, and co-operatives. It has the potential to encourage $6 billion in venture capital to these high-risk areas. And because community development vehicles must redeem the investment at least seven years, capital stays in the community.

The New Markets Tax Credit will create new relationships between investors, community development vehicles, and small businesses, which will foster continued support and lasting investment.

Mr. President, I believe that the New Markets Tax Credit may be one of the most promising and viable new idea for genuine economic development in distressed urban and rural areas in recent years. President Clinton has highlighted this proposal as part of his FY2000 budget, and just last month took the case to people across the country, those parts of our country which have been too long ignored can experience real benefit from this type of initiative. Communities, businesses, and investors are responding enthusiastically.

Here is an idea that is backed up by a strong program of economic investment is needed in West Virginia and urban and rural communities throughout America. We have all heard the talk in the recent weeks as proponents of massive new tax breaks argue that we should send even more money back to those who have benefited the most from our historic economic expansion. I believe it would be irresponsible for us to create ways to provide additional tax relief to those in our country who need the least assistance before we make a concerted effort to revitalize the parts of our country, and to help the people of our country, who have been noticeably left out of the prosperity that we have shared in.

I urge my colleagues to examine this proposal carefully and give it their full
purposes of this section—

"(A) any stock in a qualified community development entity which is a corporation, and
"(B) any capital interest in a qualified community development entity which is a partnership.

"(c) QUALIFIED COMMUNITY DEVELOPMENT ENTITY. —For purposes of this section—

"(1) IN GENERAL.—For purposes of section 38, in the case of a taxpayer who holds a qualified equity investment on a credit allowance date of such investment which occurs during the taxable year, the new markets tax credit determined under this subsection for such taxable year is an amount equal to 6 percent of the amount paid to the qualified community development entity for such investment at its original issue.

"(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means, with respect to any qualified equity investment—

"(A) the date on which such investment is initially made, and
"(B) any of the 6 anniversary dates of such date thereafter.

"(3) QUALIFIED EQUITY INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—For purposes of subsection (f), any allocation not the date that such entity receives an allocation under section 1202(c)(3) shall apply for purposes of this section by the qualified community development entity to make qualified low-income community investments.

"(2) SPECIAL RULES FOR CERTAIN ORGANIZATIONS.—The requirements of paragraph (1) shall be treated as met by—

"(A) any specialized small business investment company (as defined in section 104(c)(3)), and
"(B) any community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

"(d) QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS. —For purposes of this section—

"(1) IN GENERAL.—The term 'qualified low-income community investment' means—

"(A) any equity investment in, or loan to, any qualified active low-income community business,
"(B) the purchase from another community development entity of any loan made by such entity which is a qualified low-income community investment if the amount received by such community development entity from such purchase is used by such other entity to make qualified low-income community investments,
"(C) financial counseling and other services specified in regulations prescribed by the Secretary to businesses located in, and residents of, low-income communities, and
"(D) any equity investment in, or loan to, any qualified community development entity if substantially all of the investment or loan is used by such entity to make qualified low-income community investments described in subparagraphs (A), (B), and (C).

"(e) LOW-INCOME COMMUNITY. —For purposes of this section—

"(1) IN GENERAL.—The term 'low-income community' means any population census tract if—

"(A) the poverty rate for such tract is at least 20 percent, or
"(B)(i) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of the median family income or the metropolitan area median family income,
"(ii) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of the median family income or the metropolitan area median family income,
"(iii) areas not within Census tracts—In the case of an area which is not tracted for population census tracts, the equivalent of the Census for purposes of determining poverty rates and median family incomes, shall be used for purposes of determining poverty rates and median family income,
"(iv) Targeted population—The Secretary may prescribe regulations under which 1 or more targeted populations (within the meaning of section 3(20) of the Riegle Community Development and Regulatory Improvement Act of 1974 (12 U.S.C. 4702(20))) may be treated as low-income communities. Such regulations shall include procedures for identifying the area covered by such community for purposes of determining entities which are qualified active low-income community businesses with respect to such community,

"(2) NATIONAL LIMITATION ON AMOUNT OF INVESTMENTS DEDUCTED.—

"(A) IN GENERAL.—There is a new markets tax credit limitation of $1,200,000,000 for each of calendar years 2000 through 2004.

"(B) ACQUISITION.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified community development entities selected by the Secretary. In making allocations under the preceding sentence, the Secretary shall give priority to entities with records of having successfully provided capital or technical assistance to disadvantaged businesses or community development entities.

"(3) CARRYOVER OF UNUSED LIMITATION.—If the new markets tax credit limitation for
any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

"(g) Recapitulation of Credit in Certain Cases.—

"(1) In General.—If, at any time during the 7-year period beginning on the date of the original issue of a qualified equity investment in a qualified community development entity, there is a recapitulation event with respect to such investment, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

"(2) Tax Credit Amount.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

(A) the aggregate decrease in the credits allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if no credit had been determined under this section with respect to such investment, plus

(B) interest at the overpayment rate established under section 6621 on the amount determined under subparagraph (A) for each prior taxable year in the period beginning on the due date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this section for interest described in subparagraph (B).

"(3) Recapitulation Event.—For purposes of paragraph (1), there is a recapitulation event with respect to an equity investment in a qualified community development entity if—

(A) such entity ceases to be a qualified community development entity;

(B) the proceeds of the investment cease to be used as required of subsection (b)(1)(B), or

(C) such investment is redeemed by such entity.

"(4) Special Rules.—

"(A) Tax Benefit Rule.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforward and carryback amounts under section 39 shall be appropriately adjusted.

"(B) No Credits Against Tax.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

"(5) Basis Reduction.—The basis of any qualified equity investment shall be reduced by the amount of any credit determined under this section with respect to such investment.

"(6) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations that—

(A) limit the credit for investments which are directly or indirectly subsidized by other Federal benefits (including the credit under section 42 and the exclusion from gross income under section 103),

(B) prevent the abuse of the provisions of this section through the use of related parties, and

(C) impose appropriate reporting requirements.

"(7) Application to Newly Formed Entities.—Section 45D may be carried back under paragraph (1)(A) only with respect to credits allowed under section 45D may be carried back to a taxable year ending before January 1, 2000."

(c) Deduction for Unused Credit.—Subsection (c) of section 45D of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and," and by adding at the end the following new paragraph:

"(9) the new markets tax credit determined under section 45D,

(d) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 1 of the Internal Revenue Code is amended by striking paragraph (10) and by inserting the following new paragraph:

"(10) No Carryback of New Markets Tax Credit Before January 1, 2000.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45D may be carried back to a taxable year ending before January 1, 2000."

(e) Effective Date.—The amendments made by this section shall apply to credits allowed after December 31, 1999.

Mr. ROBB. Mr. President, I am pleased to join my colleague, Senator ROCKEFELLER, in introducing the New Markets Tax Credit Act, innovative legislation that will benefit both rural and urban America.

As its name suggests, the New Markets bill is designed to create new markets within our nation for investment, for job growth, and for renewal. While most of the nation experiences record economic growth, there are some places that have been left behind. Too many communities in both rural and urban America haven’t been able to share the wealth, and without willing investors, that wealth may never come. Capitalism cannot flourish where there is no capital. This legislation is our response to a deal with the problem of slamming.

Telephone “slamming” is the illegal practice of switching a consumer’s long distance service without the individual’s consent. This problem has increased dramatically over the last several years, as competition between long distance carriers has risen, and slamming is the top consumer complaint lodged at the Federal Communications Commission with 11,278 reported complaints in 1995, and 16,500 in 1996. In both 1997 and 1998, more than 20,000 complaints were filed. It is very clear that this problem is on the rise, and unfortunately, this represents only the tip of the iceberg because most consumers never report violations to the FCC. One regional Bell company estimates that 1 in every 20 switches is fraudulent. Media reports indicate that many as 1 million illegal transfers occur annually. Thus, slamming threatens to rob consumers of the benefit of a competitive market, which is now composed of over 500 companies which generate $72.5 billion in revenues. As a result of slamming, consumers face not only higher phone bills, but also the significant expenditure of time and energy in attempting to identify and reverse the fraud. The results of slamming are clear: higher phone bills and immense consumer frustration.

Mr. President, we are all aware of the stiff competition which occurs for customers in the long distance telephone...
service industry. The goal of deregulating the telecommunications industry was to allow consumers to easily avail themselves of lower prices and better service. Hopefully, this option will soon be presented to consumers for in-state calls and local phone service. Indeed, better service at lower cost is a main objective of those who seek to deregulate the utility industry. Unfortunately, fraud threatens to rob many consumers of the benefits of a competitive industry.

Telemarketing is one of the least expensive and most effective forms of marketing, and it has exponentially expanded in recent years. By statute, the Federal Trade Commission (FTC) regulates most telemarketing, prohibiting deceptive or abusive sales calls, requiring that homes not be called at certain times, and that companies honor a consumer's request not to be called again. The law mandates that records concerning sales be maintained for two years. While the FTC is charged with primary enforcement, the law allows consumers, or state Attorneys General on their behalf, to bring legal action against violators. Yet, phone companies are exempt from these regulations, since they are subject to FCC regulation.

While the FCC has brought action against twenty-two of the industry's largest and smallest firms for slamming and penalties totaling over $1.8 million, this represents a minute fraction of the violations. FCC prosecution does not effectively address or deter this serious fraud. State officials have become more aggressive in pursuing violators. The California Public Utility Commission fined a company $2 million in 1997 after 56,000 complaints were filed against it. Arizona, Arkansas, Idaho, Illinois, Kansas, Minnesota, Mississippi, Missouri, New Jersey, Ohio, Vermont, and Wisconsin have all pursued litigation against slender companies. Public officials of twenty-five states asked the FCC to adopt tougher rules against slammers.

As directed by the Telecommunications Act of 1996, the FCC has moved to close several loopholes which have allowed slamming to continue unabated. Most important, the FCC has proposed to eliminate the financial incentive which encourages many companies to slamming by mandating that customers be required to pay fees to slammers for the first thirty days after the switch occurred. At present, a slammer can retain the profits generated from an illegal switch. Additionally, the FCC has proposed regulations which would require that a carrier confirm all switches generated by telemarketing through either (1) a letter of agency, known as a LOA, from the consumer; (2) a recording of the consumer verifying his or her choice on a toll-free line provided by the carrier; or (3) a record of verification by an appropriately qualified and independent third party. The regulations, which were recently finalized by the FCC, unfortunately have been blocked by court order until long distance carriers have time to analyze the implications of the rules. If and when these rules are finalized, I still believe that these remedies will be wholly inadequate to address the ever-increasing problem of slamming. The problem is that slammed consumers would still be left without conclusive proof that their consent was properly obtained and verified.

My legislation compasses a three-part approach to stop slamming by strengthening the procedures used to verify consent obtained by marketers; increasing enforcement procedures by allowing citizens or their representatives to pursue slammers in court with the evidence necessary to win; and encouraging all stakeholders to use emerging technology to prevent fraud.

Mr. President, let me also thank the National Association of Attorneys General, the National Association of Regulatory Utility Commissioners which through both their national offices and individual members provided extensive recommendations to improve this bill. Additionally, I have found extremely helpful the several groups which advocate on behalf of consumers. I was particularly pleased to work with the Consumer Federation of America to address concerns which its members expressed.

Mr. President, let me take a few minutes to outline the specific provisions of my bill. My legislation requires that a consumer's consent to change service is verified so that discrepancies can be adjudicated quickly and efficiently. Like the 1996 Act, my bill requires a legal switch to include verification. However, my legislation enumerates the necessary elements of a valid verification. First, the bill requires verification to be maintained by the provider either of a letter from the consumer or by recording verification of the consumer's consent via the phone. The length that the verification must be maintained is to be determined by the FCC. Second, the bill stipulates that the form that verification must take. Written verification remains the same as current regulations. Oral verification must include the voice of the subscriber affirmatively demonstrating that she wants her long distance provider to make the change; and is currently verifying an imminent switch. The bill mandates oral verification to be conducted in a separate call from that of the telemarketer, by an independent, disinterested party. This verifying call must promptly disclose the nature and purpose of the call. Third, after a change has been executed, the new service provider must send a letter to the consumer, within five business days of the change in service, informing of the change, which he requested and verified, has been effected. Fourth, the bill mandates that a copy of verification be provided to the consumer upon request. Finally, the bill requires the FCC to finalize rules implementing these mandates within nine months of enactment of the bill.

These procedures should help ensure that consumers can efficiently avail themselves of the phone service they seek, without being exposed to random and undetectable fraudulent switches. If an individual is switched without his or her consent, the record of recorded, maintained verification will provide the consumer with the proof necessary to prove that the switch was illegal.

The second main provision of my legislation would provide consumers, or their public representatives, a legal right to pursue violators in court. Following the model of Senator Hollings' 1991 Telephone Consumer Protection Act, my bill provides aggrieved consumers with a private right of action in any state court which allows, under specific slamming laws or more general consumer protection statutes such an action. The 1991 Act has been adjudicated to withstand all constitutional challenges on both equal protection and tenth amendment claims. Thus, the bill has the benefit of specifying one forum in which to resolve illegal switches of all types of service: long distance, in-state, and local service.

Realizing that many individuals will not have the time, resources, or inclination to pursue a civil action, my bill also allows state Attorneys Generals, or other officials authorized by state law, to bring actions on behalf of citizens. Like the private right of action in suits brought by public officials damages are statutorily set at $1,000 or actual damages, whichever is greater. Treble damages are awarded in cases of knowing or willful violations. In addition to monetary awards, states are entitled to seek relief in the form of writs of mandamus, injunction, or similar relief. To ensure a proper role for the FCC, state actions must be brought in a federal district court, or in the vicinage of the defendant. Additionally, state actions must be certified with the Commission, which maintains a right to intervene in an action. The bill makes express the fact that it has no impact on state authority to investigate consumer fraud or bring legal action under any state law.

Finally, Mr. President, my legislation recognizes that neither legislators nor bureaucrats nor telecommunications industry professionals will be able to withstand constitutional challenges on today's technology. Therefore, my bill mandates that the FCC provide Congress with a report on other, less burdensome but more secure means of obtaining and recording consumer consent. Such means might include utilization of Internet technology or issuing PIN numbers or customer codes to be used before carrier changes are authorized. The bill requires that the FCC report to Congress on methods which will be within thirty days after enactment of this bill.

Mr. President, I appreciate the opportunity to discuss my initiative to stop
slamming. Last year we came close to passing significant anti-slamming legis-
lation. I hope that this issue can be addressed quickly this Congress. As a
result, I would urge all my colleagues to cosponsor this legislation.
I ask unanimous consent that the full text of the bill be printed in the
RECORD.
There being no objection, the bill was
ordered to be printed in the RECOR
as follows:
S. 1527
Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in Congress
assembled.
SECTION 1. FINDINGS; PURPOSE.
(a) FINDINGS.—Congress makes the fol-
lowing findings:
(1) As the telecommunications industry has moved toward competition in the provi-
sion of long distance telephone services, con-
sumers have increasingly elected to change the
carriers that provide their long distance telephone
services. As many as 50,000,000 con-
sumers now change long distance telephone
service providers each year.
(2) The fluid nature of the market for long
distance telephone services has also allowed
an increasing number of unauthorized changes of
telephone service providers to occur. Such changes have been called “slam-
ing”, a term which denotes any practice in
which a consumer’s long distance telephone
service is altered without the con-
sumer’s knowledge or consent.
(3) Slamming accounts for the largest
number of consumer complaints received by the
Consumer Bureau of the Federal Communication
Commission. As many as 1,000,000 consumers are subject to the unau-
thorized change of telephone service pro-
viders each year.
(4) The increased costs which consumers
face as a result of the unauthorized change of
telephone service providers threaten to deprive consumers of the financial benefits
created by a competitive marketplace in
telephone services.
(5) The burdens placed upon consumers by unauthorized changes of telephone
service providers will expand exponentially as com-
petition enters into the markets for intrLATA and local telephone services.
(6) The Consumer Bureau of the Federal
Communications Commission in 1996 sought to combat unauthorized changes of
telephone service providers by requiring that a provider who changes a subscriber without
authorization pay the previously selected
carrier an amount equal to all charges paid
by the subscriber after the change. The Fed-
eral Communications Commission has pro-
posed regulations to implement this require-
ment. Implementing these regulations will
eliminate many of the financial incentives to
execute unauthorized changes of tele-
phone service. However, it is likely that re-
quired regulations consumers have, and will continue to face, difficulty in
securing proof of unauthorized changes. Thus, this element of the regulations will be
impeided by a lack of tangible proof of con-
sumer consent to the change of telephone
service providers.
(7) In instances of consumers require that
telephone service providers maintain evi-
dence of their verification of consumer con-
sent to changes in telephone service pro-
viders. This evidence could take the form of a consumer’s written consent or a recording of a consumer’s oral consent obtained by the telephone service provider or a third party.
(b) PURPOSES.—The purposes of this Act
are—
(1) to protect consumers from unauthorized
changes of telephone service providers;
(2) to facilitate the ready selection of tele-
phone service providers by consumers.
SEC. 2. ENHANCEMENT OF PROTECTIONS AGAINST UNAUTHORIZED CHANGES IN INTRALATA AND LOCAL SELECTIONS OF TELEPHONE SERVICE PROVIDERS.
(a) VERIFICATION OF AUTHORIZATION.—
(1) IN GENERAL.—Subsection (a) of section
258 of the Communications Act of 1934 (47
U.S.C. 258) is amended—
(A) by striking “(a) PROHIBITION.—No tele-
communications and inserting the fol-
lowing:
(1) PROHIBITION.—
(1) AUTHORITY OF STATES.—
(A) IN GENERAL.—Whenever the attorney
generals or other appropriate agency of any
State, or an official or agency designated by a
State, has reason to believe that any person has engaged or is engaging
in an activity or practice of activities with
respect to residents of that State in viola-
tion of subsection (a) or the regulations
prescribed under such subsection to enjoin such
violations, the attorney general of the State, or an official or agency
designated by a State, may, in the discretion of the court, bring in an appro-
prate court of such State—
(i) an action based on a violation of subsec-

ction (a); or
(ii) an action to recover for actual mone-
tary loss from such a violation or to receive
$1,000 in damages for each such violation,
whichever is greater; or
(b) ACTIONS BY STATES.—
(1) AUTHORITY OF STATES.—
(A) IN GENERAL.—Whenever the attorney
general of a State, or an official or agency
designated by a State, has reason to believe
that any person has engaged or is engaging
in an activity or practice of activities with
respect to residents of that State in viola-
tion of subsection (a) or the regulations
prescribed under such subsection, the State may
bring a civil action on behalf of its residents to
enjoin such activities, an action to re-
cover costs of litigation (including reasonable attorney and expert witness fees) to the prevailing
plaintiff whenever the court determines that such award is appropriate.
(2) COSTS OF LITIGATION.—The court, in
issuing any final order in an action brought pursuant to this subsection may award costs of
litigation (including reasonable attorney and expert witness fees) to the prevailing
plaintiff whenever the court determines that such award is appropriate.
10430

CONGRESSIONAL RECORD — SENATE
August 5, 1999
S

amount of the award to an amount equal to not more than 3 times the amount available under the subparagraph (A).

(2) EXCLUSIVE JURISDICTION OF FEDERAL COURTS—

(A) IN GENERAL.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this subsection.

(B) ADDITIONAL RELIEF.—Upon proper application such relief shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of subsection (a) or regulations prescribed under such subsection, including the requirement that the defendant take such action as is necessary to remove the danger of such violation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(3) RIGHTS OF COMMISSION.—

(A) NOTICE.—The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) RIGHTS.—The Commission shall have the right—

(i) to intervene in any action covered by subparagraph (A);

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(4) SERVICE OF PROCESS.—Any civil action brought under this subsection in a district court of the United States may be brought in the district wherein the defendant or the place wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or where the defendant may be found.

(5) INVESTIGATORY POWERS.—For purposes of bringing a civil action under this subsection, nothing in this subsection shall preclude the attorney general of a State, or an official designated by the State, from exercising the powers conferred on the attorney general or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the production of witnesses to or the production of documentary and other evidence.

(6) EFFECT ON STATE COURT PROCEEDINGS.—Nothing in this subsection shall be construed to prohibit any official authorized by State law from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

(7) LIMITATION.—Whenever the Commission has instituted a civil action for violation of subsection (a) or there regulations prescribed under such subsection, it may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant making claim in the Commission’s complaint for any violation as alleged in the Commission’s complaint.

(8) DEFINITION.—In this subsection, the term “criminal penalty” means the chief legal officer of a State.

SEC. 3. REPORT ON ELECTRONIC MEANS FOR VERIFYING SUBSCRIBER AUTHORITY.—

The Federal Communications Commission shall submit to Congress a report on the technological feasibility and practicability of permitting subscribers to authorize changes in telephone service providers by electronic means (including authorization by electronic mail or by use of personal identification numbers or other security mechanisms) without thereby increasing the likelihood of unauthorized changes in such providers.

By Mr. LOTT (for himself, Mr. Daschle, Mr. Chafee, Mrs. Lincoln, Mr. Warner, and Mr. Baucus).

S. 1528. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions; to the Committee on Environment and Public Works.

SUPERFUND RECYCLING ACT OF 1999

Mr. LOTT. Mr. President, today I am pleased to join my distinguished colleagues, Senate Minority Leader Daschle, and Senators Warner, Chafee, Baucus, and Lincoln, in introducing the Superfund Recycling Equity Act of 1999.

This legislation, similar to that which the distinguished minority leader and I introduced in the previous Congress, removes an unintended consequence of enforcement of the Superfund program that has inhibited the growth of recycling in our nation. I am certain that when the Congress passed the Comprehensive Emergency Response, Liability, and Compensation Act (CERCLA), members of both Houses did not intend that, traditional recyclable materials—paper, glass, plastic, metals, textiles, and rubber—should be any more subject to Superfund liability than a competitive product made of virgin material. However, that is how the courts have interpreted Superfund.

Consequently, CERCLA has created a competitive disadvantage between virgin materials used as manufacturing feedstocks and recyclable materials used for precisely the same purpose. The courts have concluded that recyclables are materials that have been disposed of and are therefore subject to Superfund liability. Even most American schoolchildren know, recycling is good for the nation—that recycling is the exact opposite of disposal. Recycling serves important national goals by keeping materials from entering the waste stream. Through recycling we reclaim useful products and materials. We use recyclables as manufacturing feedstocks just as we do virgin material. However, that is how the courts have interpreted Superfund.

The Superfund Recycling Equity Act contains conditions that can only be met by legitimate recyclers of paper, glass, plastic, metals, textiles and rubber. And, to be free of liability, recyclers must act in an environmentally responsible manner and sell their products to manufacturers with environmentally responsible business practices.

It is also important to note what this bill will not do. It will not relieve from liability any recycler who has contaminated his own facility. It will not create a retroactive immunity for recyclers who have disposed of waste at landfills or other places at which waste was the cause of a release of hazardous substances to a site that is addressed by the Superfund program.

Mr. President, the Senate Minority Leader and I previously stated our intention that, should a more comprehensive Superfund bill fail to move toward conclusion in the Senate, we would work in a bipartisan fashion, toward the goal of Superfund reform for legitimate recyclers. We believe that we can agree to a bill that addresses a series of issues, including relief for recyclers. Unfortunately, once again, differences appear to have stopped that effort. I believe my colleagues for their efforts to address this issue. However, realizing the chances of passing a more comprehensive Superfund reform bill are now somewhat remote, it is time to address the Superfund recycling issue.

The language offered today is similar to the bipartisan measure we introduced last year. In the last Congress, the Minority Leader and I were joined by 63 of our colleagues across party and ideological lines in support of the Superfund Recycling Equity Act (S. 2180). It is now time to complete our work and provide relief—relief for recyclers that is long overdue.
There is one remaining issue regarding polychlorinated biphenyls (PCBs) in recycled paper which has been the subject of negotiations between various parties and the Administration. It is my understanding that these parties are negotiating in good faith, and that many, but not all issues, have been resolved. I have said in the past, I would be willing to modify the Superfund recycling language if the original negotiating partners agreed to a proposed language change. That remains my position, but there be an agreement among the original negotiators on the paper PCB issue subsequent to today’s introduction. I will at the earliest appropriate moment make the agreed upon change.

Mr. President, Americans have properly embraced the benefits of recycling. Americans know that increased recycling means more efficient use of natural resources and a meaningful reduction in solid waste. By removing the threat of liability for recyclers, Congress will stimulate more recycling. I urge all of my colleagues to cosponsor this pro-environment bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. PURPOSES.

The purposes of this Act are—

(a) to promote the reuse and recycling of scrap material in furtherance of the goals of waste minimization and natural resource conservation, including the protecting human health and the environment;

(b) to create greater equity in the statutory treatment of recycled versus virgin materials; and

(c) to remove the disincentives and impediments to recycling created as an unintended consequence of the 1980 Superfund liability provisions.

SEC. 3. CLARIFICATION OF LIABILITY UNDER CERCLA FOR RECYCLING TRANSACTIONS.

(a) CLARIFICATION.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following new section:

SEC. 127. RECYCLING TRANSACTIONS.

(a) LIABILITY CLARIFICATION.—As provided in subsections (b), (c), (d), and (e), a person who authorizes or participates in the recycling of recyclable material shall not be liable under section 107(a)(3) or 107(a)(4) with respect to the material; but such term shall not include shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that forms an integral part of the container) contained in or adhering thereto.

(c) TRANSACTIONS INVOLVING SCRAP MATERIAL—

(1) Transactions involving scrap paper, scrap plastic, scrap glass, textiles, or rubber (other than whole tires), scrap metal bits and pieces or hazardous substance that forms an integral part of the container) shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the transaction) can demonstrate by a preponderance of the evidence that all of the following criteria were met at the time of the transaction:

(1) the recyclable material met a commercial specification grade;

(2) a market existed for the recyclable material;

(3) a substantial portion of the recyclable material was made available for use as feedstock for the manufacture of a new saleable product;

(4) the recyclable material could have been a replacement or substitute for a virgin raw material, or the product to be made from the recyclable material could have been a replacement or substitute for a product made, in whole or in part, from a virgin raw material;

(5) for transactions occurring 90 days or more after the date of enactment of this section, the person exercised reasonable care to determine that the facility where the recyclable material was handled, processed, reclaimed, or otherwise managed by another person (hereinafter in this section referred to as a ‘‘consuming facility’’) was in compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclaiming, storage, or other management activities associated with recyclable material.

(b) RECYCLABLE MATERIAL DEFINED.—For purposes of this Act, ‘‘recyclable material’’ means scrap paper, scrap plastic, scrap glass, textiles, scrap rubber (other than whole tires), scrap metal bits and pieces or hazardous substance that forms an integral part of the container) contained in or adhering thereto.

(C) the person did not melt the scrap metal.

(d) EXCLUSIONS.—

(1) Transactions involving scrap metal shall not be deemed to be a substantive provision.

(i) that the recyclable material would be recycled;

(ii) that the recyclable metal would not be recycled;

(iii) for transactions occurring before 90 days after the date of the enactment of this section, that the consumption facility was not the source of the scrap metal.

(b) the person was in compliance with applicable regulations or standards.

(C) the result of inquiries made to the administrator excludes from this definition by regulation any applicable regulations or standards.

(d) EXCLUSIONS.—

(1) Transactions involving spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries shall be deemed to be arranging for recycling if the person (hereinafter in this section referred to as a ‘‘consuming facility’’) was in compliance with substantive provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclaiming, storage, or other management activities associated with recyclable material.

(2)(A) with respect to transactions involving scrap metal, the Administrator excludes from this definition by regulation any applicable regulations or standards.

(b) the person was in compliance with applicable regulations or standards.

(C) the person did not melt the scrap metal.

(D) the person had an objectively reasonable basis to belief at the time of the recycling transaction that the recyclable material was made available for use as feedstock for the manufacture of a new saleable product.

(E) the person did not melt the scrap metal.

(B) the ability of the person to detect the recyclable material or other management activities associated with the recyclable material was made available for use as feedstock for the manufacture of a new saleable product; or

(C) the result of inquiries made to the administrator excludes from this definition by regulation any applicable regulations or standards.

(e) EXCLUSIONS.—

(1) The exemptions set forth in subsection (c) do not apply if—

(A) the person had an objectively reasonable basis to believe at the time of the recycling transaction that the recyclable metal would not be recycled;

(B) the person was in compliance with applicable regulations or standards.

(C) the person did not melt the scrap metal.

(D) the person had an objectively reasonable basis to belief at the time of the recycling transaction that the recyclable metal was made available for use as feedstock for the manufacture of a new saleable product.

(E) the person did not melt the scrap metal.

(F) the person was in compliance with applicable regulations or standards.

(G) the result of inquiries made to the administrator excludes from this definition by regulation any applicable regulations or standards.
or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, or other management activities associated with the recyclable material;

"(b) the person had reason to believe that hazardous substances had been added to the recyclable material for purposes other than processing for reusing or recycling;

"(c) the person failed to exercise reasonable care with respect to the management and handling of the recyclable material (including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances); or

"(D) with respect to any item of a recyclable material, the item contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws.

"(2) For purposes of this subsection, an objectively reasonable basis for relief shall be determined using criteria that include (but are not limited to) the size of the person's business, customary industry practices (including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances), the price paid in the recycling transaction, and the ability of the person to control the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

"(3) For purposes of this subsection, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activities associated with recyclable material shall be deemed to be a substantive provision.

"(g) Effect on Other Liability.—Nothing in this section shall be deemed to affect the liability of a person under paragraph (1) of section 107(a). Nothing in this section shall be deemed to affect the liability of a person under paragraph (3) or (4) of section 107(a) with respect to materials that are not recyclable materials as defined in subsection (b) of this section.

"(h) Regulations.—The Administrator has the authority, under section 115, to promulgate additional regulations concerning this section.

"(i) Effect on Pending or Concluded Actions.—Any person who commences an action prior to enactment of this section.

"(j) Liability for Attorney's Fees for Certain Actions.—Any person who commences an action against a person who is not liable by operation of this section shall be liable to that person for all reasonable costs of defending that action, including all reasonable attorney's and expert witness fees.

"(k) Relationship to Liability Under Other Laws.—Nothing in this section shall affect:

"(1) liability under any other Federal, State, or local statute or regulation promulgated pursuant to any such statute, including any statute promulgated by the Administrator under the Solid Waste Disposal Act;

"(2) the liability of the Administrator to promulgate regulations under any other statute, including the Solid Waste Disposal Act;

"(b) Technical Amendment.—The table of contents for title I of such Act is amended by adding at the end the following item:

"Sec. 127. Recycling transactions."
the Committee on Health, Education, Labor, and Pensions.

**FAMILY AND MEDICAL LEAVE CLARIFICATION ACT**

- Mr. GREGG. Mr. President, today marks the sixth anniversary of the implementation of the Family and Medical Leave Act. This act, as colleagues will recall, was intended to be used by families for critical periods such as after the birth or adoption of a child and leave to care for a child, spouse, or one’s own “serious medical condition”.

Since its passage, the Family and Medical Leave Act has had a significant impact on employers’ leave practices and policies. According to the Commission on Family and Medical Leave two-thirds of covered work sites have changed some aspect of their policies in order to comply with the act.

Unfortunately, the Department of Labor’s implementation of certain provisions of the act has resulted in significant and unnecessary administrative burden and costs on employers; resentment by co-workers when the act is misapplied; invasions of privacy by requiring employers to ask deeply personal questions about employees and family planning; confusion about the FMLA leave; disruptions to the workplace due to increased unscheduled and unplanned absences; unnecessary record keeping; unworkable notice requirements; and conflicts with existing policies.

Despite these problems, which have been well documented through three separate congressional hearings, including one I chaired three weeks ago, there are those in Congress and the administration who choose to ignore those problems and instead push for imposition of the law on even smaller businesses and for purposes well beyond those judged by Congress to be the most critical. These proponents of expansion are a report issued by the U.S. Commission on Leave which failed to find significant problems associated with the act.

However, the fact of the matter is, the Commission on Leave’s report was issued well before the final implementing regulations were in place—regulations which are in fact the source of much of the concern over the act’s implementation.

Mr. President, to consider expansion at this time is not just irresponsible, it is unwise.

The Department of Labor’s vague and confusing implementing regulations have resulted in the FMLA being misapplied, misunderstood and mistakenly ignored. Employers aren’t sure if situations like pink eye, ingrown toe nails and even the common cold will be considered by the regulators and the courts to be serious health conditions.

Because of these concerns and well documented problems with the act, I am today introducing the Family and Medical Leave Clarification Act to make reasonable and much needed changes to clarify the Family and Medical Leave Act and restore the original congressional intent.

The FMLA Clarification Act has the strong support of The Society for Human Resource Management and close to 300 leading companies and associations who support the Family and Medical Leave Act Technical Corrections Coalition. I have received a letter of support from the Coalition and ask that it be printed in the RECORD.

This broad based coalition shares my belief that both employers and employees have been confused from making certain technical corrections to the FMLA—corrections that are needed to restore congressional intent and to reduce administrative and compliance problems experienced by employers who are making a good faith effort to comply with the act.

The bill I am introducing today does several important things:

First, it repeals the Department of Labor’s current regulations which are not only confusing and include language from the Democrats’ own Committee Report on what types of medical conditions (such as heart attacks, strokes, spinal injuries, etc.) were intended to be covered.

In passing the FMLA, Congress stated that the term “serious health condition” is not intended to cover short-term conditions for which treatment and recovery are very brief, recognizing that “it is expected that such conditions will fall within the most modest sick leave policies.”

The Department of Labor’s current regulations are extremely expansive, defining the term “serious health condition” as including, among other things, any absence of more than 3 days in which the employee sees any health care provider and receives any type of continuing treatment (including a second doctor’s visit, or a prescription, or a referral to a physical therapist) or potentially mandates FMLA leave where an employee sees a health care provider once, receives a prescription drug, and is instructed to call the health care provider back if the symptoms do not improve; the regulations also define as a “serious health condition” any absence for a chronic health problem, such as arthritis, asthma, diabetes, etc., even if the employee does not see a doctor for that absence and is absent for less than three days.

Second, the act’s provisions relating to intermittent leave to give employers the right to require that intermittent leave be taken in minimum blocks of 4 hours, This would minimize the misuse of FMLA by employees who use FMLA as an excuse for regular tardiness and routine justification for early departures.

Third, the bill shifts to the employee the responsibility to request leave be designated as FMLA leave, and requires the employee to provide written application within 5 working days of providing notice to the employer for foreseeable leave. With respect to unforeseeable leave, the bill requires the employee to provide, at a minimum, oral notification of the need for the leave not later than the date the leave commences unless the employee is physically or mentally incapable of notifying the employer in time to avoid a lapse in employment. Under that circumstance the employee is provided such additional time as necessary to provide notice.

Shifting the burden to the employee to request leave be designated as FMLA leave eliminates the need for the employer to question the employee and pry into the employee’s and the employee’s family’s private matters, as required under current law, and helps eliminate personal liability for employer supervisors who should not be expected to be experts in the vague and complex regulations which even attorneys have a difficult time understanding. Under current law, it is the employer’s responsibility in all circumstances to designate leave or, if unpaid, as FMLA-qualifying. Failure to do so in a timely manner or to inform an employee that a specific event does not qualify as FMLA leave may result in that unqualified leave becoming qualified leave under FMLA. The scenario has actually been upheld in Court and has placed an enormous burden on employers to respond within 48 hours of an employee’s leave request. In addition, the courts have held that there is personal liability for employers under FMLA and that the human resources manager may be sued and held individually liable for acts taken based upon or relating to the FMLA.

The fourth, with respect to leave because of an employee’s own serious health condition, the bill permits an employer to require the employee to choose between taking unpaid leave provided by the FMLA or paid absence under an employer’s collective bargaining agreement or other sick leave, sick pay, or disability plan, program, or policy of the employer. This change provides incentive for employers to continue their generous sick leave policies while providing a disincentive to employers considering getting rid of employee-friendly plans, including those negotiated by the employer and the employee’s union representative. Paid leave would be subject to the employer’s normal work rules and procedures for taking such leave, including work rules and procedures dealing with attendance requirements.

Despite the common belief that leave under the FMLA is necessarily unpaid, employers having generous sick leave policies, or who have worked out employee-friendly sick leave programs with unions in collective bargaining agreements, are being penalized by the FMLA. In fact, for many companies,
most FMLA leave has become paid leave. According to the U.S. Commission on Leave, 66.3 percent of FMLA leave is paid (46.7 percent fully paid). This existing paid leave sandwiched on top of the broad, yet vague, FMLA definitions has resulted in employees requesting or characterizing a variety of minor situations as FMLA leave.

Mr. President, the FMLA Clarification Act is a reasonable response to the hundreds of concerns that have been raised about the act. It leaves in place the fundamental protections of the law while attempting to make changes necessary to restore FMLA to its original intent and to respond to the very legitimate concerns that have been raised. In the spirit of the FMLA I urge my colleagues to mark it’s anniversary by restoring the Family and Medical Leave Act to its original congressional intent.

I asked that the bill and a letter of support be printed in the RECORD.

THE MATTHEW F. BROWN S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

S 10435

SECOND CONGRESSIONAL RECORD — SENATE

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Family and Medical Leave Clarification Act”.

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment or repeal of, or a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(c) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; references; table of contents.
Sec. 2. Findings.
Sec. 3. Definition of serious health condition.
Sec. 4. Intermittent leave.
Sec. 5. Request for leave.
Sec. 6. Substitution of paid leave.
Sec. 7. Regulations.
Sec. 8. Effective date.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Family and Medical Leave Act of 1993 (referred to in this section as the “Act”) is not working as Congress intended when Congress passed the Act in 1993. Many employers, including those employers that are nationally recognized as having generous family-friendly benefit and leave programs, are experiencing serious problems complying with the Act.

(2) The Department of Labor’s overly broad regulations and interpretations have caused many of these problems by greatly expanding what employers are required to apply to many non-serious health conditions.

(3) Documented problems generated by the Act include significant new administrative and personnel costs, loss of productivity and scheduling difficulties, unnecessary paperwork and recordkeeping, and other compliance problems.

(4) Graphs often conflicts with employers’ paid sick leave policies, prevents employers from managing absences through their absence control plans, and results in most leave being taken unpaid.

(5) The Commission on Leave, established in title III of the Act (29 U.S.C. 2631 et seq.), which reported few disputes with compliance with the Act, failed to identify many of the problems with compliance because the study on which the report was based was conducted too soon after the date of enactment of the Act and the most significant problems with compliance arose only when employers later sought to comply with the Act’s regulations and interpretations.

SEC. 3. DEFINITION OF SERIOUS HEALTH CONDITION.

Section 101(11) (29 U.S.C. 2611(11)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by aligning the margins of those clauses with the margins of clause (i) of paragraph (4)(A);

(3) by inserting before “The” the following: “(A) In general.—” and “(B) Exclusions.—”;

(4) by adding at the end the following: “(B) Exclusions.—The term does not include a short-term illness, injury, impairment, or condition for which treatment and recovery are very brief.”

(5) by inserting after paragraph (2) the following:

“(B) EXCLUSIONS.—The term does not include a short-term illness, injury, impairment, or physical or mental condition such as a heart attack, a heart condition extensive therapy or a surgical procedure, a stroke, a severe respiratory condition, a spinal injury, appendicitis, pneumonia, empyema, severe arthritis, severe asthma, an injury caused by a serious accident on or off the job, an ongoing pregnancy, a miscarriage, a complication or illness related to pregnancy, such as severe morning sickness, a need for prenatal care, childbirth, and recovery from childbirth, that involves care or treatment described in subparagraph (A).”.

SEC. 4. INTERMITTENT LEAVE.

Section 102(b)(1) (29 U.S.C. 2612(b)(1)) is amended by striking the period at the end of the second sentence and inserting the following:

“or leave on a reduced work schedule to take leave for the duration of that work or assignment if the employer cannot reasonably accommodate the employee’s request.”

SEC. 5. REQUEST FOR LEAVE.

Section 102(e) (29 U.S.C. 2612(e)) is amended by inserting after paragraph (2) the following:

“(3) REQUEST FOR LEAVE.—If an employer does not exercise, under subsection (d)(2), the right to require an employee to substitute other employer-provided leave for leave under this title, the employer may require the employee who wants leave under this title to request the leave in a timely manner.

If an employer fails to make a timely request under this paragraph, an employee who fails to make a timely request may be denied leave under this title.

“(4) TIMELINESS OF REQUEST FOR LEAVE.—For purposes of paragraph (3), a request for leave shall be considered to be timely if—

(A) In the case of foreseeable leave, the employee—

(i) provides the applicable advance notice required by paragraphs (1) and (2); and

(ii) submits any written application required by the employer for the leave no later than 5 working days after providing the notice to the employer; and

(B) In the case of unforeseeable leave, the employee—

(i) notifies the employer orally of the need for the leave—

“(i) not later than the date the leave commences; or

“(ii) during such additional period as may be necessary, if the employee is physically or mentally incapable of providing the notification; and

“(iii) submits any written application required by the employer for the leave—

“(i) not later than the date the leave commences; or

“(ii) during such additional period as may be necessary, if the employee is physically or mentally incapable of submitting the application.”.

SEC. 6. SUBSTITUTION OF PAID LEAVE.

Section 102(d)(2)(B) (29 U.S.C. 2612(d)(2)(B)) is amended by adding at the end the following:

“(C) PAID ABSENCE.—Notwithstanding subparagraphs (A) and (B), with respect to leave provided under subparagraph (D) of subsection (a)(1), where an employer provides a paid absence under the employer’s collective bargaining agreement, a welfare benefit plan under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), or under any other sick leave, sick pay, or disability plan, program, or policy of the employer, the employer may require the employee to choose between the paid absence and unpaid leave provided under this title.”

SEC. 7. REGULATIONS.

(a) EXISTING REGULATIONS.—

(1) REVIEW.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall review all regulations issued before that date that implement the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), including the regulations published in sections 825.114 and 825.115 of title 29, Code of Federal Regulations.

(2) TERMINATION.—The regulations, and opinion letters promulgated under the regulations, shall cease to be effective on the effective date of final regulations issued under subsection (b)(2)(B), except as described in subsection (c).

(b) REVISED REGULATIONS.—

(1) IN GENERAL.—The Secretary of Labor shall issue revised regulations implementing the Family and Medical Leave Act of 1993 that reflect the amendments made by this Act.

(2) NEW REGULATIONS.—The Secretary of Labor shall—

(A) proposed regulations described in paragraph (1) not later than 90 days after the date of enactment of this Act; and

(B) final regulations described in paragraph (1) not later than 180 days after that date of enactment.

(3) EFFECTIVE DATE.—The final regulations take effect 90 days after the date on which the regulations are issued.

(c) TRANSITION.—The regulations described in subsection (a) shall apply to actions taken by an employer prior to the effective date of final regulations issued under subsection (b)(2)(B), with respect to leave under the Family and Medical Leave Act of 1993.

SEC. 8. EFFECTIVE DATE.

The provisions made by this Act shall take effect 180 days after the date of enactment of this Act.

THE FMLA TECHNICAL CORRECTIONS COALITION,

7505 INZER STREET,

Springfield, VA, August 5, 1999.

JOHN GREGG

Chairman, Subcommittee on Children and Families
United States, Washington, DC

DEAR MR. CHAIRMAN: On behalf of the nearly 300 members of the Family and Medical Leave Act Technical Corrections Coalition, I am writing to commend you for introducing the Family and Medical Leave Clarification Act and to offer our support. This
essential legislation would address the well-documented problems with the law’s misapplication by restoring the law to reflect the original intent of Congress.

The Coalition is a diverse, broad-based, nonpartisan group of nearly 300 leading companies and associations. Members of the Coalition met to comply with both the spirit and the letter of the FMLA and strongly believe that employers should provide policies and programs to accommodate the unique needs of their employees. At the same time, the Coalition believes that the FMLA should be fixed to protect those employees that Congress aimed to assist, eliminate administrative problems that have arisen. Since the FMLA is not working properly, the Coalition does not support the Act.

Thank you for the opportunity to testify before the Subcommittee during your July 14, 1999 hearing. The most disturbing finding of the hearing was the fact that the greatest cost of the FMLA’s misapplication is the cost to employees themselves. A strong public record has now documented the unintended consequences of the FMLA’s misapplication in three Congressional hearings.

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the U.S. Department of Defense demilitarization contract as the source of U.S.-made .50 caliber ammunition for the civilian market.

Today I have introduced a bill that would require DoD contractors for the disposal of .50 caliber surplus military ammunition to agree not to sell the refurbished ammunition to civilians. The Defense Department must include in its contract a provision that refurbished .50 caliber may not be sold to non-military or law enforcement organizations or individuals. The Defense Department should no longer be the indirect source of ammunition that could be used for assassination, terrorism, or drug trafficking.

Mr. President, I ask unanimous 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. 1532

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 "Military Armor Piercing Ammunition Resale Limitation Act of 1999".

SEC. 2. RESALE OF ARMOR PIERCING AMMUNITION DISPOSED OF BY THE ARMY.

(a) Restriction.—(1) Chapter 443 of title 10, United States Code, is amended by adding at the end the following:

"(4988. Armor piercing ammunition and components: condition on disposal

"(a) Limitation on Resale or Other Transfer.—Whenever the Secretary of the Army directs the disposal (by sale or otherwise) of armor piercing ammunition, or a component of armor piercing ammunition, the Secretary shall require as a condition of the disposal that the recipient agree in writing not to sell or otherwise transfer any of the ammunition (reconditioned otherwise) or any component of that ammunition, to any purchaser in the United States other than a law enforcement or other governmental agency.

(b) Definition.—In this section, the term "armor piercing ammunition" means a center-fire cartridge the military designation of which includes the term "armor penetrator" or "armor piercing", including a center-fire cartridge integral with armor piercing incendiary (API) or armor-piercing incendiary-tracer (API-T)."

(2) The table of sections at the beginning of such chapter is amended by adding the following at the end:

"4988. Armor piercing ammunition and components: condition on disposal

(b) Applicability.—Section 4988 of title 10, United States Code (as added by subsection (a)) shall apply with respect to any disposal of ammunition or components referred to in that section after the date of the enactment of this Act.

By Ms. SNOWE (for herself and Mr. MCCAIN):

S. 1534. A bill to reauthorize the Coastal Zone Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CONGRESSIONAL RECORD — SENATE S10437

August 5, 1999
Mr. President, this is a solid, reasonable and realistic bill that enjoys bipartisan support on the Commerce Committee. I look forward to moving this bill at the earliest opportunity.

Mr. President, I ask unanimous consent that the text of the bill and a section summary of the bill be printed in the RECORD.

S. 1534

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 "Coastal Zone Management Act of 1999".

SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 3. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—
(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (18); and
(2) by inserting "and community revitalization." in paragraph (3) (as so redesignated) after "fossil fuels.");

SEC. 4. POLICY.

Section 303 (16 U.S.C. 1452) is amended—
(1) by striking "the States" in paragraph (2) and inserting "State, and community partnership to support and enhance coastal management and stewardship; and"
(2) by striking "and" in paragraph (3) and inserting "and;"
(3) by inserting "agencies," in paragraph (4) and inserting "and agencies," in paragraph (5); and
(4) by inserting "of the Pacific Islands," in paragraph (6).

SEC. 5. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—
(1) by striking "and the Trust Territories of the Pacific Islands," in paragraph (4); and
(2) by inserting paragraph (8) and inserting the following:

"(8) The term 'estuarine reserve' means a coastal protected area which may include any part or all of an estuary and any island, transitional area, and upland in adjoining, or adjacent to the estuary, and which constitutes to the extent feasible a natural unit, established to provide long-term opportunities for conducting scientific studies and educational and training programs that improve the understanding, stewardship, and management of estuaries;"; and

(3) by adding at the end thereof the following:

"(16) The term 'coastal nonpoint pollution control plan' means a plan submitted by a coastal state to the Secretary under section 306(d)(16)."

SEC. 6. REAUTHORIZATION OF ADMINISTRATIVE GRANTS.


SEC. 7. REAUTHORIZATION OF ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1454(a)) is amended by inserting "including developing and implementing coastal nonpoint pollution control program components," after "program.";

(b) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1454(d)(10)(B)) is amended by inserting "less than fee simple" and inserting "other;"

SEC. 8. COASTAL RESOURCE IMPROVEMENT GRANTS.

Section 306A (16 U.S.C. 1455a) is amended—
(1) by adding at the end of subsection (a) the following:

"(3) The term 'quailified local entity' means—"
(a) any local government;
(b) any area wide agency referred to in section 306;
(c) any regional agency;
(d) any estuary agency; and
(e) any reserve established under section 305.

SEC. 9. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 306(a)(2) (16 U.S.C. 1454a(a)(2)) is amended to read as follows:

"(2) Loan repayments made under this subsection—"
(a) shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b); and
(b) subject to amounts provided in Appropriations Acts, shall be available to the Secretary for purposes of this title and transferred to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration to offset the costs of implementing this title;"

(b) USE OF AMOUNTS IN FUND.—Section 306(b) (16 U.S.C. 1454a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) Subject to Appropriations Acts, amounts in the Fund shall be available to the Secretary to carry out the provisions of this Act;"

SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—
(1) by striking subsection (a)(1) and inserting the following:

"(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands;"

(2) by inserting "and removal" after "entry" in subsection (a)(1); and
(3) by striking "on various individual uses or activities on resources, such as coastal wetlands and fishery resources," in subsection (a)(3) and inserting "on various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff;"

(4) by adding at the end of subsection (a) the following:

"(10) Development and enhancement of coastal nonpoint pollution control program components, including the setting of conditions placed on such programs as part of the Secretary's approval of the programs;"
“(1) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.

(2) by striking ‘‘proposals, taking into account the criteria established by the Secretary under subsection (d),’’ in subsection (c) and inserting ‘‘proposals.’’

(3) by striking subsection (d) and redesignating subsection (e) as subsection (d); and

(4) by striking subsection (f) and redesignating subsection (g) as subsection (e).

SEC. 11. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

‘‘SEC. 309A. COASTAL COMMUNITY PROGRAM.

‘‘(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

‘‘(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

‘‘(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

‘‘(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level; and

‘‘(4) to assist in the adoption of plans, strategies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

‘‘(A) revitalize previously developed areas;

‘‘(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

‘‘(C) emphasize water-dependent uses; and

‘‘(D) protect coastal waters and habitats.

‘‘(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

‘‘(1) have a management program approved under section 306; and

‘‘(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 309(b)(4) through (K).

‘‘(c) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—If a coastal state chooses to fund a project under this section, then—

‘‘(1) it shall submit to the Secretary a combined application for grants under this section and section 309;

‘‘(2) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1; and

‘‘(3) the Federal funding for the project shall be a portion of that State’s annual allocation under section 309.

‘‘(d) ALLOCATION OF GRANTS TO QUALIFIED LOCALENTITY.

‘‘(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal State may allocate to a qualified local entity amounts received by the State under this section.

‘‘(2) A coastal state shall ensure that amounts allocated by the State under paragraph (1) are used by the qualified local entity in furtherance of the State’s approved coastal management program, specifically furtherance of the coastal management objectives specified in section 303(2).

‘‘(e) ASSISTANCE.—The Secretary shall assist eligible coastal States and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).

SEC. 12. TECHNICAL ASSISTANCE.

Section 310(b) (16 U.S.C. 1456c(b)) is amended by adding at the end thereof the following:

‘‘(4) The Secretary may conduct a program to develop and apply innovative coastal and estuarine research and methodology through a cooperative program. The Secretary may make extramural grants in carrying out the purpose of this subsection.

SEC. 13. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended by adding ‘‘coordinated with National Estuarine Research Reserves in the State’’ after ‘‘309(2)(A)’’.

SEC. 14. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1461) is amended—

(1) by striking ‘‘shall, using sums in the Coastal Zone Management Fund established under section 308’’ in subsection (a) and inserting ‘‘may, using sums available under this Act’’;

(2) by striking ‘‘field.’’ in subsection (a) and inserting the following: ‘‘field of coastal zone management. These awards, to be known as the ‘Walter B. Jones Awards’, may include—

‘‘(1) cash awards in an amount not to exceed $5,000 each;

‘‘(2) research grants; and

‘‘(3) public ceremonies to acknowledge such awards.’’;

(3) by striking ‘‘shall’’ in subsection (b) and inserting ‘‘may select annually if funds are available under this Act’’;

(4) by striking subsection (c); and

(5) by striking subsection (d).

SEC. 15. NATIONAL ESTUARINE RESEARCH SERVICE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking ‘‘consists of—’’ and inserting ‘‘is a network of areas protected by Federal, State, and community partnerships which promotes informed management of the Nation’s estuarine and coastal areas through interconnected programs in resource stewardship, education and training, and scientific understanding consisting of—’’

(b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C)) is amended by striking ‘‘public education and interpretation; and’’ and inserting ‘‘education, interpretation, training, and demonstration projects; and’’;

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking ‘‘research’’ in the subsection caption and inserting ‘‘research, education, and resource stewardship’’;

(2) by striking ‘‘conduct of research’’ and inserting ‘‘conduct of research, education, and resource stewardship’’;

(3) by striking ‘‘research’’ in paragraph (1) and inserting ‘‘research, education, and resource stewardship’’;

(4) by striking ‘‘research’’ before ‘‘principles’’ in paragraph (2); and

(5) by striking ‘‘research programs’’ in paragraph (2) and inserting ‘‘research, education, and resource stewardship programs’’;

(6) by striking ‘‘research’’ before ‘‘methodologies’’ in paragraph (3);

(7) by striking ‘‘data,’’ in paragraph (3) and inserting ‘‘information.’’;

(8) by striking ‘‘research’’ before ‘‘results’’ in paragraph (3);

(9) by striking ‘‘research purposes’’ in paragraph (3) and inserting ‘‘research, education, and resource stewardship purposes’’;

(10) by striking ‘‘research efforts’’ in paragraph (4) and inserting ‘‘research, education, and resource stewardship efforts’’;

(11) by striking paragraph (5) and inserting ‘‘research, education, and resource stewardship’’; and

(12) by striking ‘‘research’’ in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking ‘‘Estuarine Research—’’ in the subsection caption and inserting ‘‘Estuarine Research, Education, and Resource Stewardship—’’;

(2) by striking ‘‘research, education, and resource stewardship purposes’’;

(3) by striking paragraph (1) and inserting the following:

‘‘(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and

(4) by striking ‘‘research.’’ in paragraph (2) and inserting ‘‘research, education, and resource stewardship activities.’’;

(5) by striking ‘‘research’’ in the last sentence.

SEC. 16. WALTER B. JONES AWARDS.

Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking ‘‘reserve,’’ in paragraph (1)(A)(i) and inserting ‘‘reserve;’’;

(2) by striking ‘‘and constructing appropriate reserve facilities, or in paragraph (1)(A)(ii) and inserting ‘‘and constructing resource stewardship activities and constructing reserve facilities.’’;

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

‘‘(B) to any coastal State or public or private person for purposes of—

‘‘(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

‘‘(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c);’’;

(5) by striking ‘‘therein or $5,000,000, whichever amount is less,’’ in paragraph (3)(A) and inserting ‘‘therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the cost was incurred, may be used to match the Federal share.’’;

(6) by striking ‘‘and (iii)’’ in paragraph (3)(B);

(7) by striking ‘‘paragraph (1)(A)(iii)’’ in paragraph (3)(B) and inserting ‘‘paragraph (1)(B)’’;

(8) by striking ‘‘entire System,’’ in paragraph (3)(B) and inserting ‘‘System as a whole,’’; and

(9) by adding at the end thereof the following:

‘‘(4) The Secretary may—

‘‘(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, or authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

‘‘(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, exclusive of any administrational reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.’’. August 5, 1999 CONGRESSIONAL RECORD — SENATE S10439
Section 16. Section 16 amends section 316 of the CZMA to clarify the requirements for the CZMA Research Reserve Report and Congress a report on federal agency coordination and cooperation in coastal management.

Section 17. Section 17 amends section 318, authorizing appropriations to authorize CZMA funding, providing a separate line items for 306 and 306A, 309 and 309A, 315, and NERRS construction fund, and administrative costs.

Mr. McCAIN. Mr. President, I rise today in support of the National Marine Sanctuaries Amendments Act of 1999. I want to thank Senator Snowe for sponsoring this legislation. This bill will help guide the use of the our marine environment into the next century. Again, I wish to thank Senator Snowe for her leadership in this area.

The 12 existing national marine sanctuaries protect our marine resources including the public and private uses of the ocean. The National Marine Sanctuaries Program reflects a reasonable balance between conservation and multiple uses, such as commercial fishing and recreational activities. In addition, the national sanctuaries provide for important research, outreach, and educational activities involving unique marine assets.

To date, the sanctuary program has been unable to reach its full potential due to a lack of funding. This bill will make existing sanctuaries fully operational for the first time in the history of the program. The bill we are introducing today authorizes $30 million in FY 2000 and incrementally increases the annual authorization by $2 million in FY 2002 to $38 million in FY 2004. The bill will also allow for the completion of basic tasks which have been neglected in the past at sanctuaries, such as a review of each sanctuary management plan and habitat characterization. The research and educational opportunities provided at sanctuaries are quite promising and will allow our children and future generations to learn to value our ocean resources.
The bill also provides for the implementation of meaningful enforcement plans and allows sanctuaries to partner with states or other entities to enhance enforcement efforts. Furthermore, interference with an enforcement agent could result in a criminal penalty.

Mr. President, this is a strong bill that enjoys bipartisan support on the Commerce Committee. With this legislation, Senator SNOWE and I envision a reasonable balance between conservation needs and the multiple uses of our ocean resources in marine sanctuaries. I look forward to moving this bill in the near future and request the support of my colleagues.

By Mr. GRAMS:

S. 1335. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under part B of the Medicare program, and for other purposes; to the Committee on Finance.

MEDICARE ENSURING PRESCRIPTION DRUGS FOR SENIORS ACT

Mr. GRAMS. Mr. President, I rise today to introduce legislation I’ve drafted to provide a prescription drug benefit for Medicare beneficiaries.

While I firmly believe we must deal directly with the structural problems facing the Medicare program, I also understand the very real need to provide prescription drug coverage now.

Mr. President, Americans might be surprised to learn there are estimates that about half the people who have ever—ever—reached age 65 are alive today. It’s a revealing statistic—one we should be proud of because America has had much to do with the success in lengthening the life expectancy of nearly everyone in the world. Whether it’s through government-funded research at the National Institutes of Health or private research funded through foundations, it has all contributed to this success.

In 1900, the average American could expect to see their 47th birthday. Today, Americans can expect to celebrate 20 more birthdays—living to the age of 76. Clearly, this increased life expectancy can be attributed to many things, but the advances made in pharmaceuticals is, perhaps, the most significant contributor.

When the Medicare program was being discussed by Congress in the 1960s, no one could foresee the enormous change our health care system would experience over the course of thirty years. Of course, we couldn’t have expected them to know how different things would be today.

In the 1960s, health care was predominately hospital or clinic oriented and as a result, Medicare focused on hospital stays. Indeed, even months before the final Medicare package was passed there were discussions of whether physician visits should be included in the program. Now, we find ourselves with a program going broke, but in need of reform—a program largely successful for the past 30 years, but woefully inadequate in meeting the needs of today’s seniors.

Mr. President, one of the first witnesses before the Bipartisan Commission on the Future of Medicare, Robert Reichshauer, identified Medicare’s problems as the four “i’s:” Insolvency, inadequacy, inefficiency, and inequity. I couldn’t agree more.

As I alluded to earlier, perhaps the best example of the inadequacy of the current Medicare program is the lack of a prescription drug benefit. While I continue to believe the best way for us to include a prescription drug benefit in Medicare is through overall reform, I also believe it is important for us to explore different ways we can meet the challenge of adding the benefit without undermining the entire program.

In putting together my plan for providing a prescription benefit, I tried to keep in mind the root of our dilemma. Many make the mistake of thinking access to needed pharmaceuticals is the problem. It’s not—affording the increasing number and cost of prescriptions is the real problem facing seniors today.

Mr. President, my plan, the “MEDS Act of 1999,” would work like this:

Single seniors with incomes of $927 per month or less, will be eligible to receive their prescription drugs with a 25 percent co-payment and no deductible. Prescription premiums with incomes of $1,244 per month or less will be eligible for the same co-payment of 25 percent with no deductible.

The income figures are the equivalent of 135 percent of the federal poverty level.

Seniors above the income limits will be protected through a monthly deductible of $150. For amounts over those deductibles, Medicare will pay 75 percent of the prescription cost.

Mr. President, rather than using a yearly deductible, which, in the first months, forces many seniors to use more of their monthly income on prescription drugs than they can often afford, my plan uses a monthly deductible allowing seniors to budget their drug costs every month.

In addition, it ensures that if a senior, such as your parent or grandparent, is seriously ill in one month, Medicare will cover 75 percent of their drug costs with no co-payment. Meaning, they get the help they need when they need it.

While I understand there will be concerns about how we determine when a beneficiary has reached their $150 deductible, particularly on a monthly basis, I contend that we have the knowledge and technology necessary to structure the program nearly any way we wish—we simply have to use it.

Mr. President, America’s seniors understand that their drug costs are $50 or $75 a month. It doesn’t make sense for them to buy a drug insurance policy for $100 a month. In this case, prescription drug coverage is not the issue. The issue is, can the senior trying to get by on $600 a month afford the $50 or $75 a month to pay for their medications? And, in the event of a major illness, can a senior bear the entire cost of treatment during that particular month?

My plan would make sure that person gets relief when the costs become too much to handle. It is truly a safety net for seniors and especially for those who would not otherwise be able to reap the benefits of modern medicine.

I believe this is a responsible, credible plan for America’s seniors. I hope it will serve as a starting point for an honest, rational, and responsible discussion about who needs help and how much.

While I applaud the President for putting forward a plan, I believe it falls short in one important way—it doesn’t help those who need it most.

President Clinton’s plan requires all seniors to pay $288 in monthly premiums and a co-payment of 50 percent up to $2,000. Under the President’s plan, the most benefit any senior could get is $712 and, by capping the benefit at $2,000, many abandon seniors when they need help most.

The debate over prescription drug coverage and overall Medicare reform may be political for some, but I know seniors in Minnesota who have difficulty paying for their prescriptions don’t think much of political games played by politicians in Washington. They won’t care who takes credit for this or that. They just want to know they won’t go broke or hungry to pay for the medicines they need to stay alive. The plan I introduce today, the Medicare Ensuring Prescription Drugs for Seniors (MEDS) Act, will help ensure that they won’t.

By Mr. DeWINE:

S. 1536. A bill to amend the Older Americans Act of 1965 to extend authorities of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE OLDER AMERICANS ACT OF 1999

Mr. DeWINE. Mr. President, I am very pleased to introduce The Older Americans Act of 1999—a bill that will reauthorize some of the most important, vital, and successful programs the Federal government provides to senior citizens.

The Older Americans Act created and is responsible for:

Programs that provide nutrition both at home and at senior community centers;
Programs that protect the elderly from abuse, neglect, and unhealthy nursing homes;
Programs that offer valuable jobs to seniors;
Programs that furnish transportation, and
Programs that render in-home services such as assistance with house-hold tasks.
As we approach the new millennium, these services and many others become more and more important—in fact, essential—to the continued well-being and prosperity of our nation’s senior community. We are an aging nation. Today, 12.7% of the United States’ population is over the age of 65. By the year 2030, that number will grow to 20%, and there is no indication that this trend will subside. Americans are living longer; many of them are healthier, wealthier, and better educated than Americans from two generations or even one generation ago.

The Older Americans Act is a key component in ensuring not only valuable supportive services to lower-income older Americans, but also in establishing new and reliable services from which every older American can benefit.

First, I want to focus on the services this reauthorization guarantees will continue—and for which, we hope, it will continue to be fully funded. The largest, and one of the most important, portions of the Older Americans Act has always been nutrition programming. There are two essential and equally important parts of the Act’s nutrition programming: meals served in senior citizens centers, and meals delivered to individuals’ homes.

Providing meals in congregate settings allows people to eat with friends, take advantage of other social or informative opportunities, and be assured of a healthy diet. Home delivered meal programs give homebound individuals similar assurances of a healthy diet. Additionally, programs such as Meal-On-Wheels also often give homebound seniors their only contact with the community. Those who deliver meals will also often help with minor chores and make sure that the senior they are visiting is in good general health.

Under current authorization, congregate meal funding is protected by maintaining the law’s language allowing a State to transfer no more than 30% of its congregate meal funding to home-delivered programs. Likewise, States will receive increased flexibility, through a waiver process, to request that any necessary amount be moved from congregate meal funds to meet the growing needs of homebound seniors.

Another established service that would be improved by this bill is advocacy and protection. After a hearing that the Subcommittee on Aging dedicated to the issue of elder abuse, we made sure to include protection for elders not only from physical abuse and neglect but also from financial abuse and exploitation. We also tied State and local advocacy and protection services directly to State and local law enforcement agencies as well as to the court system.

During a number of the Subcommittee on Aging’s several hearings, we discussed the Senior Community Employment Service Program—the only Federally funded jobs program geared specifically for older Americans. The bill makes sure that the initial focus of the program, to provide seniors opportunities in community service jobs, stays intact. However, in light of the changing demographics among many senior communities, where seniors staying very active and capable for longer periods of time, the bill creates another focus: employment in the private sector and in a wider array of jobs.

To do this, the bill creates strong links between the recently passed Workforce Investment Act and the Senior Community Employment Service Program. This will allow qualified seniors easy access to their State’s workforce investment system and enhance their opportunity to choose which jobs they want. Likewise, these links will provide seniors in the State workforce investment systems easy access to the Senior Community Employment Service Program.

Mr. President, as I mentioned, in addition to highlighting and improving the essential services that the Older Americans Act has provided so well for so long, this reauthorization also establishes medially reliable services from which every older American will be able to benefit.

I thank Senator GRASSLEY, and the Senate’s Special Committee on Aging, for all his work, hearings, research, and help in developing two such services. The first is the National Family Caregiver Support Act, and the second is the Older Americans Act’s new Pension Counseling program.

The National Family Caregiver Support Act, through a network of Area Agencies on Aging and service providers, will provide family members—nonprofessional or informal caregivers—valuable information and assistance about how to begin and continue the caregiving role. During another of our Subcommittee hearings, we heard moving testimony from a woman who decided instead of placing her mother in a costly nursing home that would provide questionable care, she would bring her mother home and give her the care and attention she believed her mother needed and deserved.

She did this at no small cost to herself. She had to discontinue her doctorate studies to find a job that had more accommodating hours and unfortunately with lower pay. She found that the State agency on aging and other bureaucratic “assistance” were more trouble than they were worth.

She needed advice about lifting her mother, feeding her mother, medications, and many other challenges. Most of all, however, she said she just needed a break. The critical part of the National Family Caregiver Support Act would give her that break in the form of respite care; someone to take over for her for a weekend, a day, even a few hours so she could shop for herself, complete some overtime work, or just rest.

The Caregiver Support Act also introduces an inter-generational element. During the Subcommittee’s field hearing in Cleveland, we heard from grandmothers who, for any number of reasons, were caring for their grandchildren. In some cases, their own children were addicted to drugs or in prison. Rather than relinquish their grandchildren to foster care, they took on the responsibilities of raising them.

During a hearing, older Americans who now are raising children for the second time around, also need help. They need guidance, information, and respite care. Our bill would do that.

Another new initiative is the Pension Counseling program. This program would provide desperately needed assistance to retirees who are in jeopardy of losing their pensions or are having difficulty receiving their pensions payments. As more and more individuals retire with more complicated pension, cost sharing, and IRA retirement plans, this will become an invaluable service.

Mr. President, the Older Americans Act of 1999 will accomplish some long overdue changes. Reauthorizing this Act is a key step toward preparing this nation for the aging boom of the next few decades. However, I want to emphasize that as promising as this legislation is—and as encouraged as I am by its introduction—it is still a work in progress. There are outstanding issues that need further attention and that require additional compromise. I look forward to working with all of my colleagues to resolve these issues throughout the August recess.

I would like to thank Senator MILKULSKI, the Subcommittee’s ranking member, for all her work, expertise, and assistance in developing this bill. I would also like to thank Senator GREGG for establishing the ground work for the Subcommittee’s previous Chairman and for his expertise and input. Thank you also to Senators HUTCHINSON, JEFFORDS, MCCAIN, KENNEDY, and WYDEN for all they and their staffs have contributed to the bill.

I look forward to continuing our work on this bill, to quickly resolving any outstanding concerns, and moving on to final passage of a new and long awaited Older Americans Act.

By Mr. CHAFEE (for himself and Mr. SMITH of New Hampshire): S. 1357. A bill to reauthorize and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce the Superfund Amendments and Reauthorization Act of 1999. This bill is based on S. 1990, the Superfund Program Completion Act of August 5, 1999.
August 5, 1999

CONGRESSIONAL RECORD — SENATE

S10443

1999, a bill that I introduced, along with Senators Smith and Lott, earlier this year.

Last year, the Committee reported a comprehensive Superfund bill to the Senate. However, gaining a consensus on a Superfund bill was not possible last year, and the bill was not called up. The most controversial issues were cleanup standards, paying “polluters,” and natural resource damages.

In S. 1090, we narrowed the scope of the bill greatly to get relief now for many parties—small businesses, local governments, municipal solid waste contributors—and we did it fairly, while strengthening the role of the states.

Our goal was always to report a bill that enjoyed wide support. Unfortunately, Senator Smith and I were not able to move S. 1090 out of the committee. We spent several months negotiating with members on both sides of the aisle that Senator Smith and I introduce today serves as a record of our progress in trying to craft a broadly-supported Superfund reform bill.

The bill contains numerous changes from S. 1090. Some changes were made prior to the markup. Others are based on amendments filed for the markup, and others in response to negotiations over the last week.

Our bill retains the key features of S. 1090. The Brownfields title will provide $100 million in grants for state, tribal and local governments to identify, assess and redevelop Brownfields sites. It protects prospective purchasers of contaminated sites, innocent owners of properties adjacent to the source of contamination, and innocent property owners who exercised due diligence upon purchase.

The bill exempts recyclers, small businesses, contributors of very small amounts of hazardous waste, and contractors of small amounts of municipal solid waste. The bill limits the liability of larger generators or transporters of municipal solid waste. The bill limits the liability of larger generators or transporters of municipal solid waste, as well as owners or operators of co-disposal landfills where municipal solid waste is disposed. The bill limits the liability of so-called de minimis parties—generally one percent contributors or less—as well as municipal landfills and small businesses with a limited ability to pay.

Importantly, this liability relief is provided fairly. EPA is directed to pay for the shares of exempted parties from a $200 million annual orphan share instead of merely shifting the liability onto the remaining nonexempt parties. Importantly, responsible parties still must proceed with the cleanup if $200 million is insufficient to cover all orphan shares in a given year.

The bill also requires EPA to perform an impartial fair-share allocation at Superfund NPL sites and to give all parties an opportunity to settle for their allocated amount. Allocation is preceded by a period for EPA-directed alternative dispute resolution. Parties that do not participate or settle remain liable to Superfund’s underlying liability provisions, which remain unchanged.

The bill starts the process of bringing the National Priority List cleanup program to an orderly end. EPA notes that cleanup is complete or underway at more than 90% of sites on the current NPL. EPA is cleaning up the sites at a rate of 85 per year, but it has listed only an average of about 26 sites per year. Last year, the General Accounting Office surveyed the states and EPA about the approximately 3,000 sites identified as possible National Priority List sites, but not yet listed. Only 232 of these sites were identified by either EPA, a state, or both, as likely to be listed on the NPL. The Superfund NPL cleanup is nearly complete. We refer to the end of its mission than to the beginning. The authorized funding levels in the bill, which decrease during the five-year authorization period, are consistent with the expected decrease in Superfund’s workload.

The ramp-down of the NPL cleanup program has important implications for state cleanup programs. The bill provides $180 million per year for state cleanup programs. Therefore, the bill requires EPA to plan how it will proceed at the 3,000 sites still awaiting a decision regarding NPL listing. Further, under our bill, new listings on the National Priority List must be approved by the Governor of the affected state.

What is most important, the bill provides finality at sites cleaned up in state cleanup programs unless a state asks for help, fails to take action, or a true cleanup plan is present. We refer to the splintered authority that results from the current inability to close sites.

The new natural resource damages provisions make four significant changes to the NRD program.

First, it provides a clear statement as to what costs a responsible party will be required to bear under a natural resource damage claim. A responsible party will be liable only for the reasonable costs of restoring the resource—that is, for reinstating the human uses and environmental functions of the resource.

Second, it would eliminate recovery for any damages based on the nonuse values associated with an injured resource. Proponents of nonuse damages have argued that these damages are an important element of recovery in cases where a resource like the Grand Canyon is injured or destroyed. Our provision addresses this issue more directly. Instead, it recognizes that certain resources, such as endangered species, or wilderness areas, or certain national monuments are truly unique and therefore warrant special consideration. The language provides that where a unique resource has been damaged and is irreparable, the trustees may seek enhanced or expedited restoration.

Third, it sets parameters for determining whether the costs associated with a restoration measure are reasonable. Under this bill, the reasonableness of the costs will be determined based on four factors: technical feasibility, cost-effectiveness, cost-benefit analysis, and the period in which recovery will be achieved; and whether the response action or natural recovery will reinstate the uses of a resource in a reasonable period of time. This provision is intended to require that trustees select cost-effective restoration measures.
Fourth, it clarifies the prohibition against double recovery. It would protect responsible parties against claims under section 107(f) if damages have already been recovered for the same injury to the same resource under CERCLA, State or Tribal law.

It is clear that we have moved a long way to try to reach an accommodation on both the right and the left. Perhaps this new bill can serve as the rallying-point if prospects for Superfund improve later in the Congress. In closing, I want to thank Senator SMITH for his efforts on Superfund over the years.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1537
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. Short title; table of contents.

This Act may be cited as the "Superfund Amendments and Reauthorization Act of 1999".

The table of contents of this Act is as follows:

TITLE I—BROWNFIELDS REVITALIZATION

Sec. 101. Brownfields.

Sec. 102. Contiguous properties.

Sec. 103. Prospective purchasers and windfall liens.

Sec. 104. Safe harbor innocent landholders.

TITLE II—STATE RESPONSE PROGRAMS

Sec. 201. State response programs.


Sec. 203. Federal emergency removal authority.

Sec. 204. State cost share.

TITLE III—FAIR SHARE LIABILITY ALLOCATIONS AND PROTECTIONS

Sec. 301. Liability exemptions and limitations.

Sec. 302. Expedited settlement for certain parties.

Sec. 303. Fair share settlements and statutes of limitations for orphan shares.

Sec. 304. Treatment of religious, charitable, scientific, and educational organizations as owners or operators.

TITLE IV—REMEDY SELECTION AND NATURAL RESOURCE DAMAGES

Sec. 401. Selection and implementation of remedial actions.

Sec. 402. Use of risk assessment in remedy selection.

Sec. 403. Natural resource damages.

Sec. 404. Double recovery.

TITLE V—FUNDING

Sec. 501. Uses of Hazardous Substance Superfund.

Sec. 502. Treatment of religious, charitable, scientific, and educational organizations as owners or operators.

Sec. 503. Brownfields.

Sec. 504. Selection and implementation of remedial actions.

Sec. 505. Use of risk assessment in remedy selection.

Sec. 506. Natural resource damages.

Sec. 507. Double recovery.

CONGRESSIONAL RECORD — SENATE August 5, 1999

S10444
(5) AGREEMENTS.—Each grant made under this section shall be subject to an agreement that—

(A) requires the eligible entity to comply with all applicable State laws (including regulations);

(B) requires that the eligible entity shall use the grant exclusively for purposes specified in subsection (c).

(C) in the case of an application by an eligible entity under subsection (c), requires payment by the eligible entity of a matching share (which may be in the form of a contribution, loan, or otherwise) to the Administrator of funds equal to at least 20 percent of the costs of the response action.

(D) The extent to which a grant will enable the creation of or addition to parks, greenways, or other recreational property.

(V) Such other factors as the Administrator considers appropriate to carry out the purposes of this section.

(6) FUNDING.—Each grant under this section shall be subject to an agreement that—

(A) is contingent on the estimated fair market value of the area as a result of economic redevelopment, or conservation opportunities on community-owned real property that is contiguous to the area and on which there has been a release or threatened release of hazardous substances; and

(B) contains such other terms and conditions as the Administrator determines to be necessary to carry out the purposes of this section.

(e) GRANT APPLICATIONS.—

(1) SUBMISSION.—

(A) IN GENERAL.—Any eligible entity may submit an application to the Administrator through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, for a grant under this section for 1 or more brownfield facilities.

(B) COORDINATION.—In developing an application under this section, the Administrator shall coordinate with the Secretary, other Federal agencies, and any other eligible entity that submits an application during the prior year and that the Administrator, in consultation with the Secretary, determines have the highest rankings under the ranking criteria established under paragraph (3).

(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities with obtaining grants under this section.

(2) APPROVAL.—The Administrator, in consultation with the Secretary, shall make an annual evaluation of each application received during the prior fiscal year and make grants to the extent that the Administrator considers appropriate to carry out the purposes of this section.

(3) RANKING CRITERIA.—The Administrator in consultation with the Secretary, shall establish a system for ranking grant applications that includes the following criteria:

(A) The extent to which a grant will stimulate the availability of other funds for environmental remediation and subsequent redevelopment of the area in which the brownfield facility is located.

(B) The potential of the development plan for the area in which the brownfield facilities are located to stimulate economic development and on completion of the cleanup, such as the following:

(i) The relative increase in the fair market value of the area as a result of any new economic action.

(ii) The demonstration by applicants of the intent and ability to create new or expanded existing business, employment, recreation, or conservation opportunities on completion of any necessary response action.

(iii) If commercial redevelopment is planned, the estimated additional full-time employment opportunities and tax revenues expected to be generated by economic redevelopment in the area in which a brownfield facility is located.

(D) The estimated extent to which a grant would facilitate the identification of or facilitate a reduction of health and environmental risks.

(E) The estimated extent to which a grant would facilitate the support of any applicable State or local community economic development plan.

(F) The extent to which the site characterization and assessment or response action and subsequent development of a brownfield facility involves the active participation and support of the local community.

(G) Such other factors as the Administrator considers appropriate to carry out the purposes of this section.

(H) PROVISION OF FUNDS.—

(1) The procedure under which a grant will enable the creation of or addition to parks, greenways, or other recreational property.

(2) The extent to which a grant will make available the necessary funds and infrastructure to support the completion of a response action.

(3) Such other factors as the Administrator considers appropriate to carry out the purposes of this section.

(3) PROVISION OF FUNDS.—The Administrator shall not include in the costs of the response action if the ground water is in use as a public drinking water supply or was in such use at the time of the release; and

(ii) the owner or operator of the facility is liable, or is affiliated with any other person that is liable, for any response costs at the facility, through any direct or indirect familial relationship, or any contractual, corporate, or financial relationship other than that created by the instruments by which title to the facility is conveyed or transferred.

(j) GRANT APPLICATIONS.—

(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

(A) IN GENERAL.—A person that owns or operates real property that is contiguous to the area shall not be considered to be an owner or operator of a vessel or facility from which there has been a release or threatened release of hazardous substances located in the area.

(B) INQUIRIES.—

(i) The demonstration by applicants of the intent and ability to create new or expanded existing business, employment, recreation, or conservation opportunities on community-owned real property that is contiguous to the area and on which there has been a release or threatened release of hazardous substances.

(ii) The demonstration by applicants of the intent and ability to create new or expanded existing business, employment, recreation, or conservation opportunities on community-owned real property that is contiguous to the area.

(2) AGRICULTURAL LAND.—The Administrator may—

(A) authorize the use of a grant under this section to conduct ground water investigations or to install ground water remediation systems.

(B) authorize the use of a grant under this section for surface water remediation systems.

(C) specify the terms and conditions for the use of a grant under this section.

(5) REPORT.—The Administrator shall submit to the Committee on Environment and Public Works a report on each grant made under this section.

(f) LISTING OF PARTICULAR PARCELS.—

(1) DEFINITION.—In subsection (a)(8)(C) and paragraph (2) of this subsection, the term parcels of real property means a parcel, lot, or tract of land that has a separate legal description from that of any other parcel, lot, or tract of land the legal description and ownership of which has been recorded in accordance with the law of the State in which it is located.

(2) REVISION OF NATIONAL PRIORITIES LIST.—

(A) IN GENERAL.—The President shall annually revise the National Priorities List to conform with the amendments made by paragraph (1), based on individual delisting recommendations made by each Regional Administrator of the Environmental Protection Agency.

(B) DELISTED PARCELS.—In complying with this paragraph, the President shall delist not more than 20 individual parcels of real property from the National Priorities List in any calendar year.

(g) CONFIRMING AMENDMENT.—Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603) is amended by—

(1) deleting the word contiguous as so amended; and

(2) inserting, after such paragraph, the following:

(3) BONA FIDE PROSPECTIVE PURCHASER.—The term bona fide prospective purchaser means a person who acquires ownership of a facility after the date of enactment of this paragraph, or a tenant of such a person, that establishes each of the following by a preponderance of the evidence:

(A) DISPOSAL PRIOR TO ACQUISITION.—All disposal of hazardous substances at the facility occurred before the person acquired the facility.

(B) INQUIRIES.—
“(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility and the facility’s real property in accordance with generally accepted commercial and customary standards and practices.

(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in paragraph (1) and each of the conditions described in paragraph (3) are met, the United States shall have a lien on the facility, or may obtain from an appropriate responsible party a lien on any other property or other assurances of payment satisfactory to the Administrator, for such unrecovered costs.

(1) LIEN.—If there are unrecovered response costs at a facility for which an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

(2) LIEN.—If there are unrecovered response costs at a facility for which an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

(A) RESPONSE ACTION.—A response action for which there are unrecovered costs is carried out at the facility.

(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed 180 days before the response action was initiated.

(C) SALE.—A sale or other disposition of all or a portion of the facility has occurred.

(D) CLAIM.—A claim by the United States for the response action at the time of a subsequent sale or other disposition of the property; and

(E) shall be subject to the requirements of subsection (i)(3); and

(F) shall continue until the earlier of satisfaction of the property costs incurred at the facility.”.

SEC. 104. SAFE HARBOR INNOCENT LAND-HOLDERS.

(a) AMENDMENT.—Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A),

(A) in the matter that precedes clause (i),

(i) by striking “deeds or” and inserting “deeds, easements, leases, or”;

(ii) in clause (i), by striking “or” and inserting “and”;

(iii) by striking “and” and inserting “or”;

(iv) in clause (ii), by striking “or” and inserting “and”;

(v) by striking “and” and inserting “or”;

(vi) by striking “or” and inserting “and”;

(vii) by striking “or” and inserting “and”;

(viii) by striking “or” and inserting “and”;

(ix) by striking “or” and inserting “and”;

(x) by striking “or” and inserting “and”;

(xi) by striking “or” and inserting “and”;

(xii) by striking “or” and inserting “and”;

(xiii) by striking “or” and inserting “and”;

(xiv) by striking “or” and inserting “and”;

(xv) by striking “or” and inserting “and”;

(xvi) by striking “or” and inserting “and”;

(xvii) by striking “or” and inserting “and”;

(xviii) by striking “or” and inserting “and”;

(xix) by striking “or” and inserting “and”;

(xx) by striking “or” and inserting “and”;

(2) in subparagraph (B),

(B) in the matter that precedes clause (i),

(i) by striking “in the absence of” and inserting “and”;

(ii) by striking “if” and inserting “if”;

(iii) by striking “or” and inserting “and”;

(iv) by striking “or” and inserting “and”;

(v) by striking “or” and inserting “and”;

(vi) by striking “or” and inserting “and”;

(vii) by striking “or” and inserting “and”;

(viii) by striking “or” and inserting “and”;

(ix) by striking “or” and inserting “and”;

(x) by striking “or” and inserting “and”;

(xi) by striking “or” and inserting “and”;

(xii) by striking “or” and inserting “and”;

(xiii) by striking “or” and inserting “and”;

(xiv) by striking “or” and inserting “and”;

(xv) by striking “or” and inserting “and”;

(xvi) by striking “or” and inserting “and”;

(xvii) by striking “or” and inserting “and”;

(xviii) by striking “or” and inserting “and”;

(xix) by striking “or” and inserting “and”;

(xx) by striking “or” and inserting “and”;

(3) in subparagraph (C),

(C) by striking “or” and inserting “and”;

(D) the ability to detect the contamination or presence of any previously released hazardous substance; and

(E) the relationship of the purchase price to the value of the property if the property was contaminated.

(4) No Affiliation.—The person is not affil-
amended by section 101(a)) is amended by
the facility.

(a) ASSISTANCE TO STATES.—The Administra-
tor shall provide grants to States to es-
tablish and expand qualifying State response programs that include the elements listed in subsection (b).

(b) ELEMENTS.—The elements of a qual-
ifying State response program are the fol-
lowing:

(1) Oversight and enforcement authorities or other mechanisms that are adequate to ensure that

(A) response actions will protect human health and the environment and be conducted in accordance with applicable Federal and State laws.

(B) in the case of a voluntary response action, if the person conducting the voluntary response action fails to complete the nec-
essary response activities, including opera-
tion and maintenance or long-term moni-
toring activities, the necessary response ac-
tivities are completed.

(2) Required opportunities for public par-
ticipation, including prior notice and oppor-
tunity for comment in appropriate cir-
cumstances, in selecting response actions.

(3) Mechanisms for approval of a response action plan, or a requirement for certification or similar documentation from the State to the person conducting a response action indicating that the response is com-
plete.

(c) ENFORCEMENT IN CASES OF A RELEASE SUBSEQUENT TO AN ROD.—

(1) ENFORCEMENT.

(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a release or threatened release of a hazardous substance
at a facility subject to State cleanup, nei-
ther the President nor any other person may
use any authority under this Act to take an
administrative or enforcement action, except as provided in subparagraph (B), in the case of a voluntary response action, if the person conducting the voluntary response action fails to complete the nec-
essary response activities, including opera-
tion and maintenance or long-term moni-
toring activities, the necessary response ac-
tivities are completed.

(2) REQUIREMENT OF REQUEST BY THE GOV-
ERNOR OF A STATE.—No facility shall be
added to the National Priorities List without
the President having first received the con-
currence of the Governor of the State in
which the facility is located.

(b) INDEPENDENT CERCLA COST ANAL-
YSIS.

(1) IN GENERAL.—From amounts appro-
priated under section 111(a) of the Com-
prehensive Environmental Response, Com-
penstation, and Liability Act of 1980 (42
U.S.C. 9611(a)), the Administrator shall fund
a cooperative agreement for an independent analysis of the projected 10-year costs for the implementation of the program under that Act.

(2) COMPLETION.—The independent analysis under paragraph (1) shall be completed not later than 180 days after the date of enact-
ment of this Act.

SEC. 202. FEDERAL EMERGENCY REMOVAL AU-
THORITY.

Section 104(c)(1) of the Comprehensive En-
vironmental Response, Compensation, and Liabil-
ity Act of 1980 (42 U.S.C. 9640(c)(1)) is amended—

(1) in subparagraph (C), by striking “con-
sistent with the remedial action to be taken” and inserting “not inconsistent with any remedial action that has been selected or is anticipated at the time of any removal action at a facility”; and

(2) by striking “$2,000,000” and inserting “$5,000,000”; and

(3) by striking “12 months” and inserting “9 years.”

SEC. 203. STATE COST SHARE.

Section 104(c) of the Comprehensive En-
vironmental Response, Compensation, and Liabil-
ity Act of 1980 (42 U.S.C. 9640(c)) is amended—

(1) by striking “(c)” Unless” and inserting the following:

(c) MISCELLANEOUS LIMITATIONS AND RE-
quirements.

(1) CONTINUANCE OF OBLIGATIONS FROM
FUND.—Unless;

(2) in paragraph (1), by striking “taken ob-
ligations” and inserting “taken, obliga-
tions”; and

(3) by striking “The President” and insert-
ing the following:

(2) CONSULTATION.—The President; and

(4) by striking paragraph (3) and inserting the following:

(3) STATE COST SHARE.

(1) IN GENERAL.—The Administrator shall not provide any funding for remedial action under this section unless the State in which the release occurs first enters into a con-
tentual cooperative agreement with the Ad-
mistrator that provides assurances that the State will pay, in cash or through in-

line, resulting in the need for further re-
response action to protect human health or the environment; or

(2) in the case of a facility at which all response actions have been completed, the Administrator—

(I) makes a written determination that
the State is unwilling or unable to take ap-
propriate action, after the Administrator has
provided the Governor notice and an oppor-
tunity to cure; and

(II) makes a written determination that
the facility presents a substantial risk that
requires further remediation to protect
human health or the environment, as evi-
denced by—

(aa) newly discovered information regard-
ing contamination at the facility;

(bb) the discovery that fraud was com-
mitted in demonstrating attainment of
standards at the facility; or

(cc) a failure of the remedy or a change in
land use giving rise to a clear threat of expo-
sure.

(C) EPA NOTIFICATION.—

(1) IN GENERAL.—In the case of a facility at
which there is a release or threatened re-
lease of a hazardous substance or pollutant,

(II) the Administrator determines that
the President intends to undertake an adminis-
trative or enforcement action, the Adminis-
trator, prior to making the administrative or
enforcement action, shall notify the State of
the action the Administrator intends to take
and wait for an acknowledgment from the
State under clause (I).

(ii) the State requests that the President
enter into an agreement with a State or In-
dian tribe de-

iii) the State

(A) the President determines that release or threat of release constitutes a

B) the facility presents a substantial risk that
requires further remediation to protect

C) a failure of the remedy or a change in
land use giving rise to a clear threat of expo-
sure.

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which there is a release or threatened re-
lease of a hazardous substance or pollutant,

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the President intends to undertake an adminis-
trative or enforcement action, the Adminis-
trator, prior to making the administrative or
enforcement action, shall notify the State of
the action the Administrator intends to take
and wait for an acknowledgment from the
State under clause (I).

(ii) the State requests that the President
enter into an agreement with a State or In-
dian tribe de-

iii) the State

(A) the President determines that release or threat of release constitutes a

B) the facility presents a substantial risk that
requires further remediation to protect

C) a failure of the remedy or a change in
land use giving rise to a clear threat of expo-
sure.

(C) EPA NOTIFICATION.—

(1) IN GENERAL.—In the case of a facility at
which there is a release or threatened re-
lease of a hazardous substance or pollutant,
kind contributions, 10 percent of the costs of—

‘‘(i) the remedial action; and

‘‘(ii) operation and maintenance costs.

‘‘B. INCLUSIONS.—Section 107(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 204(a)) is amended by adding, at the end the following:

‘‘(9) MUNICIPAL SOLID WASTE AND MUNICIPAL SEWAGE SLUDGE.—No person shall be liable to the United States or to any person (including liability for contribution) under this section for any response costs at a facility listed on the National Priorities List if—

‘‘(A) the person is liable solely under paragraphs (3) or (4) of subsection (a); or

‘‘(B) in the performance of a governmental function.

‘‘(10) SEWAGE SLUDGE EXEMPTION AND LIMITATIONS.—

‘‘(A) IN GENERAL.—The condition stated in subsection (a) shall not apply in a case in which the Administrator determines that material described in paragraph (1) has contributed or may contribute significantly to the amount of response costs at the facility.

‘‘(B) SMALL BUSINESS EXEMPTION.—

‘‘(1) IN GENERAL.—No person shall be liable to the United States or to any person (including liability for contribution) under this section for any response costs at a facility listed on the National Priorities List if—

‘‘(A) the person is liable solely under paragraph (3) or (4) or subsection (a); or

‘‘(B) the person is a business that—

‘‘(i) during the taxable year preceding the date of transmittal of notification that the business is a potentially responsible party, had full- and part-time employees whose combined time was equivalent to 75 or fewer full-time employees; or

‘‘(ii) for that taxable year reported $3,000,000 or less in gross revenue;

‘‘(C) the activity specifically attributable to the person resulted in the disposal or treatment of material containing a hazardous substance at the vessel or facility before the date of enactment of this subsection;

‘‘(D) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at a facility.

‘‘(E) the person provides full cooperation, assistance, and access to persons that are responsible for response actions at the vessel or facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility;

‘‘(F) the person does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility; and

‘‘(G) the person complies with any request for information or administrative subpoena issued by the President under this Act.

‘‘(2) EXCEPTION.—Paragraph (1) shall not apply in a case in which the material containing a hazardous substance referred to in subparagraph (A) contributed significantly or could contribute significantly to the cost of the response action with respect to the facility.

‘‘(3) CONTRIBUTION OF MUNICIPAL SOLID WASTE AND MUNICIPAL SEWAGE SLUDGE.—

‘‘(A) IN GENERAL.—The condition stated in this subparagraph is that the liability of the potentially responsible party is for response costs based on paragraph (3) or (4) of subsection (a) and on the potentially responsible party having arranged for the disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment of, municipal solid waste or municipal sewage sludge at a facility listed on the National Priorities List.

‘‘(B) SETTLEMENT AMOUNT.—

‘‘(1) IN GENERAL.—The President shall offer a settlement to a person referred to in clause (i) with respect to liability under paragraph (3) or (4) of subsection (a) on the basis of a payment of $5,000 per ton of municipal solid waste or municipal sewage sludge at a facility listed on the National Priorities List.

‘‘(2) EXCEPTION.—Paragraph (1) shall be inapplicable in any case in which the President estimates that the President estimates is attributable to the party.

‘‘(i) REVISION.—

‘‘(A) IN GENERAL.—The President may revise the settlement amount under clause (i) by regulation.
“(i) BASIS.—A revised settlement amount under clause (i) shall reflect the estimated per-ton cost of closure and post-closure activities at a representative facility containing the solid waste landfill unit described under clause (i).

“(C) CONDITIONS.—The provisions for settlement described in this subparagraph shall not apply with respect to a facility where there is more than 5 percent if the President determines with respect to a municipality to not less than 10 percent if the President determines with respect to a facility that is owned or operated in whole or in part by municipalities with a population of 100,000 or more according to the 1990 census, and that is subject to the criteria for solid waste landfills published under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) at a facility that is subject to a response action under this title, if the President determines that the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility.

“(D) MUNICIPAL OWNERS AND OPERATORS.—

“(ii) INCREASED AMOUNT.—The President may increase the percentage under clause (i) to not more than 35 percent with respect to a municipality if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

“(iii) DECREASED AMOUNT.—The President may decrease the percentage under clause (i) to not less than 10 percent if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

“(E) ADJUSTMENT FOR INFLATION.—The Administrator may by guidance periodically adjust the settlement amount under paragraph (B) to reflect changes in the Consumer Price Index (or other appropriate index adopted by the Administrator).

“(F) MUNICIPAL OWNERS AND OPERATORS.—

“(A) AGGREGATE LIABILITY OF LARGE MUNICIPALITIES.—

“(ii) FOR A FACILITY.—With respect to a colo-
disposal landfill that is owned or operated in whole or in part by municipalities with a population of 100,000 or more according to the 1990 census, and that is subject to the criteria for solid waste landfills published under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) at part 258 of title 40, Code of Federal Regulations (or a successor regulation), the aggregate amount of liability of such municipal owners and operators for response costs under this section shall not be greater than 20 percent of such costs.

“(ii) INCREASED AMOUNT.—The President may increase the percentage under clause (i) to not more than 35 percent with respect to a municipality if the President determines that the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility.

“(ii) DECREASED AMOUNT.—The President may decrease the percentage under clause (i) to not less than 10 percent if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

“(B) MUNICIPAL OWNERS AND OPERATORS.—

“(A) AGGREGATE LIABILITY OF SMALL MUN-

“(i) IN GENERAL.—With respect to a colo-

“(C) CONDITIONS.—The provisions for settlement described in this subparagraph shall not apply with respect to a facility where there is more than 5 percent if the President determines that the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility.

“(ii) INCREASED AMOUNT.—The President may increase the percentage under clause (i) to not more than 35 percent with respect to a municipality if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

“(i) DECREASED AMOUNT.—The President may decrease the percentage under clause (i) to not less than 10 percent if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

“(A) a person that acted in violation of subparagraph (C) or (D) of section 122(p)(2) of such title in violation of the criteria for solid waste landfills published under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) at part 258 of title 40, Code of Federal Regulations (or a successor regulation), the aggregate amount of liability of such municipal owners and operators for response costs under this section shall not be greater than 20 percent of such costs.

“(B) A market existed for the recyclable material.

“(C) CONDITIONS.—As provided in paragraphs (2), (3), (4), and (5) of this subsection, the President shall be deemed to be a substantive provision of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material.

“(ii) the ability of the person to detect the nature of the consuming facility’s operations concerning its handling, processing, reclamation, storage, or other management activities associated with recyclable material; and

“(iii) the result of inquiries made to the appropriate Federal, State, or local environmental agency concerning the consuming facility’s past and current compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material. For the purposes of this paragraph, ‘reasonable care’ shall be determined using criteria that include (but are not limited to)—

“(i) the price paid in the recycling trans-

“(ii) the purchase of recyclable materials.

“(D) A person under section 122(p)(2)(G).

“(2) MUNICIPAL OWNERS AND OPERATORS.—

“(A) the price paid in the recycling trans-

“(ii) the person was in compliance with

“(B) any item of material containing poly-

“(C) a person under section 122(p)(2)(G).

“(D) The recyclable material could have

“(i) the price paid in the recycling trans-

“(i) the ability of the person to detect the

“(ii) the ability of the person to detect the

“(B) any item of material containing poly-

“(D) The recyclable material could have

“(i) the ability of the person to detect the

“(ii) the person was in compliance with

“(B) any item of material containing poly-

“(D) The recyclable material could have

“(i) the ability of the person to detect the

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“(D) The recyclable material could have

“(i) the ability of the person to detect the

“(ii) the person was in compliance with

“(B) any item of material containing poly-

“(D) The recyclable material could have

“(i) the ability of the person to detect the
(I) are not 1 of the primary products of a secondary production process;
(II) are not solely or separately produced by the production process;
(III) are stored in a pile or surface impoundment; and
(IV) are sold to another recycler that is not speculatively accumulating such metal byproducts, except for scrap metals that the Administrator excludes from this definition by regulation.

(6) TRANSACTIONS INVOLVING BATTERIES.—Transactions involving spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries shall be deemed to be arranging for recycling if the person who arranged for the transaction—(by itself, recyclable material or otherwise arranging for the recycling of recyclable material)—can demonstrate by a preponderance of the evidence that at the time of the transaction—

(a) the person met the criteria set forth in paragraph (3) with respect to the spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries, but the person did not recover the valuable components of such batteries; and

(B)(i) with respect to transactions involving lead-acid batteries, the person was in compliance with applicable Federal environmental regulations or standards, and any amendments thereto, regarding the storage, transport, management, or other activities associated with the recycling of spent lead-acid batteries;

(ii) with respect to transactions involving nickel-cadmium batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of spent nickel-cadmium batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto;

(iii) with respect to transactions involving other spent batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of such batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto.

(6) EXCLUSIONS.—

(A) The exemptions set forth in paragraph (3) shall not apply if—

(i) the person had an objectively reasonable basis to believe that hazardous substances had been added to the recyclable material by hazardous substances;

(ii) the person did not mix the recyclable material with a hazardous substance following the removal of the hazardous substance from service; and

(B) transactions involving recyclable material that consists of used oil shall be considered to be arranging for recycling if the person arranged for the transaction (by itself, recyclable material or otherwise arranging for the recycling of recyclable material) that—

(A) did not mix the recyclable material with a hazardous substance following the removal of the hazardous substance from service; and

(B) demonstrates by a preponderance of the evidence that—

(i) at the time of the transaction, the recyclable material was sent to a facility that recycled used oil by using it as a feedstock for the manufacture of a new saleable product; or

(ii) at the time of the transaction, the recyclable material or the product to be made from the recyclable material could have been a replacement or substitute, in whole or in part, for a virgin raw material;

(C) the result of inquiries made to the appropriate Federal, State, or local environmental law (including a regulation promulgated or a compliance order or decree issued under the law), applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material.

(7) LIQUID TRANSPORTATION.—Nothing in this subsection—

(A) substantially complies with the recycling or reclamation, storage, or other management activities associated with the reclamation of recyclable material; and

(B) the recycling transaction—

(i) affects any rights, defenses, or liabilities under any person with respect to any transaction involving any material other than a recyclable material subject to paragraph (1) of this subsection; or

(ii) relieves a plaintiff of the burden of proof that the elements of liability under section 107(a) are met under the particular circumstances of any transaction for which liability is alleged.

(A) the price paid in the recycling transaction; and

(B) the ability of the person to detect the nature of the consuming facility’s operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

(8) LIMITATION OF LIABILITY OF RAILROAD OWNERS.—

(A) The railroad owner or operator does not cause or contribute to a release or threatened release at the facility that is owned or operated by a person that is not affiliated with the railroad owner or operator, if—

(i) the railroad owner or operator does not speculatively accumulate such metal byproducts; and

(ii) the railroad owner or operator does not own or operate a spur track (including a spur track land subject to an easement), to a facility that is owned or operated by a person that is not affiliated with the railroad owner or operator.

(B) the railroad owner or operator does not cause or contribute to a release or threatened release at the facility that is owned or operated by a person that is not affiliated with the railroad owner or operator, if—

(i) the railroad owner or operator does not speculatively accumulate such metal byproducts; and

(ii) the railroad owner or operator does not own or operate a spur track (including a spur track land subject to an easement), to a facility that is owned or operated by a person that is not affiliated with the railroad owner or operator.

(9) REQUIREMENTS FOR LIMITATION OF LIABILITY.—The requirement of this paragraph is that—

(A) to the extent that the person has operational control over a facility—

(i) the person provides full cooperation to, assistance to, and access to the facility by, persons that are responsible for response actions at the facility; and

(ii) the person takes no action to impede the effectiveness or integrity of any institutional control employed under section 121 at the facility; and

(B) the person complies with any request for information or administrative subpoena issued by the President under this Act.

(10) RELIGIOUS, CHARITABLE, SCIENTIFIC, AND EDUCATIONAL ORGANIZATIONS.—

(A) LIMITATION ON LIABILITY.—Subject to paragraph (2), if an organization described in section 101(20)(I) holds legal or equitable title to a vessel or facility as a result of a charitable gift that is allowable as a deduction under section 170, 2055, or 2522 of the Internal Revenue Code of 1986 (determined without regard to dollar limitations), the liability of the organization shall be limited to the lesser of the fair market value of the vessel or facility or the actual proceeds of the sale of the vessel or facility received by the organization.

(B) in order for an organization described in section 101(20)(I) to be eligible for the limited liability described in paragraph (1), the organization shall—

(i) substantially comply with the recycling or reclamation, storage, or other management activities associated with the recyclable material; and

(ii) demonstrate by a preponderance of the evidence that at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances;
(B) provide full cooperation and assistance to the United States in identifying and locating persons who recently owned, operated, or otherwise controlled activities at the vessel or facility; and

"(C) establish by a preponderance of the evidence that all active disposal of hazardous substances at the vessel or facility occurred prior to the organization that acquired the vessel or facility; and

"(D) establish by a preponderance of the evidence that the organization did not cause or contribute to a release or threatened release of hazardous substances at the vessel or facility.

(3) TEMPORARY SETTLEMENT.—Nothing in this section affects the liability of a person other than a person described in section 101(20)(I) following:

"(i) subparagraph (C);

"(ii) paragraph (1); or

"(iii) subparagraph (A) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a)), as added by paragraph (1) shall apply to any activities at a vessel or facility that occurred before the date of enactment of this Act.

(2) TRANSITION RULES.—

(A) IN GENERAL.—The exemptions under subsections (q), (r), (s), (v), and (w) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(q), 9607(r), 9607(s)) (as added by paragraph (1)) shall not apply to any activities at a vessel or any settlement or judgment approved by a United States Federal District Court—

(i) before the date of enactment of this Act; or

(ii) not later than 180 days after the date of enactment of this Act.

(B) EFFECT ON PENDING OR CONCLUDED ACTIONS.—Any action provided in subsection (u) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(u)) (as added by paragraph (1)) shall not affect any concluded or pending action or any settlement or judgment approved by a United States Federal District Court—

(i) before the date of enactment of this Act; or

(ii) not later than 180 days after the date of enactment of this Act.

(C) SERVICE STATION DEALERS.—Section 114(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9614(c)) is amended—

(1) in paragraph (1)—

(A) by striking "No person" and inserting "A person";

(B) by striking "may recover" and inserting "may not recover";

(C) by striking "if such recycled oil" and inserting "unless the service station dealer"; and

(D) by striking subparagraphs (A) and (B) and inserting the following:

"(A) mixed the recycled oil with any other hazardous substance; or

"(B) did not store, treat, transport, or otherwise manage the recycled oil in compliance with any applicable regulations or standards promulgated under section 3014 of the Solid Waste Disposal Act (42 U.S.C. 6955) and other applicable authorities that were in effect on the date of such activity."; and

(2) by striking paragraph (4).

SEC. 302. EXPEDITED SETTLEMENT FOR CERTAIN SMALL BUSINESS Parties Eligible.—Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(g)) is amended—

(1) by striking the subsection heading and inserting the following:

"(g) EXPEDITED FINAL SETTLEMENT.—;

(2) in paragraph (1)—

(A) by redesigning subparagraph (B) as subparagraph (C);

(B) by striking "(1)" and all that follows through paragraph (A) and inserting the following:

"(1) PARTIES ELIGIBLE.—

(A) IN GENERAL.—As expeditiously as practicable, the Administrator—

(i) notify each potentially responsible party that meets 1 or more of the conditions stated in subparagraphs (B), (C), and (D) of the party’s eligibility for a settlement; and

(ii) offer to reach a final administrative or judicial settlement with the party.

The condition stated in this subparagraph is that the liability is for response costs based on paragraph (3) or (4) of section 107(a) and the party’s contribution to a hazardous substance at a facility is de minimis. For the purposes of this subparagraph, a potentially responsible party’s contribution shall be considered to be de minimis if the President determines that both of the following criteria are met:

"(i) MINIMAL AMOUNT OF MATERIAL.—The amount of material containing a hazardous substance contributed by the potentially responsible party to the facility is minimal relative to the total amount of material containing hazardous substances at the facility.

The amount of a potentially responsible party’s contribution shall be presumed to be de minimis if the amount is 1 percent or less of the total amount of material containing a hazardous substance at the facility, unless the Administrator promptly identifies a greater threshold based on site-specific factors.

"(ii) HAZARDOUS EFFECTS.—The material containing a hazardous substance contributed by the potentially responsible party does not present toxic or other hazardous effects that are significantly greater than the toxic or other hazardous effects of other material containing a hazardous substance at the facility:

(C) in subparagraph (C) (as redesignated by subsection (a))—

(i) by redesignating clauses (i) through (iii) as subclauses (i) through (III), respectively, and adjusting the margins appropriately;

(ii) by striking "potentially responsible party" and inserting the following:

"(C) OWNERS OF REAL PROPERTY.—

"(i) IN GENERAL.—The condition stated in this subparagraph is that the potentially responsible party;

and

(ii) by striking "This subparagraph (B)" and inserting the following:

"(B) APPLICABILITY.—Clause (i); and

(D) by adding at the end the following:

"(D) REDUCTION IN SETTLEMENT AMOUNT BASED ON LIMITED ABILITY TO PAY.

"(i) CONSIDERATIONS.—The President shall consider the inability or limited ability to pay of a municipality to the extent that the municipality provides information with respect to—

"(aa) the general obligation bond rating and information about the most recent bond issue for which the rating was prepared;

"(bb) the amount of total available funds (other than dedicated funds or State assistance payments for remediation of inactive hazardous waste sites);

"(cc) the amount of total operating revenues (other than obligated or encumbered revenues);

"(dd) the amount of total expenses;

"(ee) the amounts of total debt and debt service;

"(ff) per capita income and cost of living;

"(gg) real property values;

"(hh) unemployment information; and

"(ii) population information.

"(ii) EVALUATION OF IMPACT.—A municipality may submit for this paragraph an evaluation of the potential impact of the settlement on the provision of municipal services and the feasibility of making delayed payments or payments over time.

"(III) RISK OF DEFAULT OR VIOLATION.—A municipality may establish an inability to pay for purposes of this subparagraph by showing that payment of its liability under this Act would—

"(aa) create a substantial demonstrable risk that the municipality would default on debt obligations existing as of the time of the showing, go into bankruptcy, be forced to dissolve, or be forced to make budgetary cutbacks that would, in the opinion of the President, reduce the level of protection of public health and safety; or

"(bb) necessitate a violation of legal requirements or limitations on legal applicability concerning the assumption and maintenance of fiscal municipal obligations.

"(IV) OTHER FACTORS RELEVANT TO SETTLEMENT AMOUNT.—In determining an appropriate settlement amount with a municipality under this subparagraph, the
President may consider other relevant factors, including the fair market value of any in-kind services that the municipality may provide to support the response action at the facility.

"(iv) OTHER POTENTIALLY RESPONSIBLE PARTIES.—This subparagraph does not affect the President's authority to evaluate the ability to pay and the potentially responsible party other than a natural person, small business, or municipality or to enter into a settlement with such other party based on that party's ability to pay.

"(E) ADDITIONAL CONDITIONS FOR EXPEDITED SETTLEMENTS.—

"(i) For purposes of clause (1), the President shall determine that the settlement is fair, reasonable, and consistent with the objectives of this Act. To the extent that the settlement is fair, reasonable, and consistent with the objectives of this Act, the President shall not modify or affect the principles of liability under this title as determined by the court of the United States.

"(ii) A fair share allocation under section 107(l)(1) or subsection (g) of this section, based on the best information reasonably available to the President, at the time the allocation is made, to be fair and reasonable for settlement of any response actions at or near the facility.

"(C) RESPONSE ACTION.—

"(i) In general.—As a condition of a settlement under clause (i), the President may require 1 or more parties to conduct a response action at the facility.

"(ii) Settling party's responsibilit. — An agreement for a required response action described in clause (i) may include mixed funding under this section, including the forgiveness of past costs.

"(D) EXPEDITED ALLOCATION.—

"(A) In general.—At the request of any party subject to the allocation, the allocator may first accept the President's estimate of the statutory orphan share specified under subsection (o);

"(B) SETTLEMENT BASED ON STATUTORY ORPHAN SHARE.—The President may offer to settle the liability of any party based on—

"(i) the statutory orphan share as accepted by the allocator;

"(ii) the pro rata share of the statutory orphan share; and

"(iii) other terms and conditions acceptable to the President.

"(E) FAIR SHARE ALLOCATION.—

"(i) the quantity of hazardous substances contributed by each party;

"(ii) the degree of toxicity of hazardous substances contributed by each party;

"(iii) the mobility of hazardous substances contributed by each party;

"(iv) the degree of involvement of each party in the generation, transportation, treatment, storage, or disposal of hazardous substances;

"(F) the cooperation of each party in contributing to any response action and in providing complete and timely information to the United States or the allocator; and

"(G) such other factors as the President considers appropriate.

"(F) the cooperation of each party in contributing to any response action and in providing complete and timely information to the United States or the allocator; and

"(G) such other factors as the President considers appropriate.

"(8) SAVINGS.—The President may use the authority under this section to enter into settlement agreements with respect to any response action that is the subject of an allocation at any time.

"(9) EFFECT ON PRINCIPLES OF LIABILITY.—Except as provided in paragraph (4), the authorization of an allocation under this section shall not modify or affect the principles of liability under this title as determined by the court of the United States.

"(10) STATUTORY ORPHAN SHARES.—

"(A) In general.—For purposes of this section, the statutory orphan share is the difference between—

"(i) the liability of a party described in subsection (q), (s), (u), (v), (w), or (x) of section 107 or subsection (g) of this section; and

"(ii) the President's estimate of the liability of the party, notwithstanding any exemption from or limitation on liability in this Act, for response costs that are not addressed in an administrative settlement or a settlement or judgment approved by a United States district court.

"(B) DETERMINATION OF STATUTORY ORPHAN SHARES.—The President shall include an estimate of the statutory orphan share of a party described in subsection (q), (s), (u), (v), (w), or (x) of section 107 that is otherwise liable at a facility for costs addressed in the settlement.

"(C) TRANSITION RULE AND SUBSEQUENT SETTLEMENTS.—

"(A) In general.—Each settlement presented for judicial approval on or after the date that is 1 year after the date of enactment of this subsection shall include an estimate of the statutory orphan share for each party described in subsections (q), (s), (u), (v), (w), or (x) of section 107 that is otherwise liable at a facility for costs addressed in the settlement.

"(B) The President shall include in a subsequent settlement at the same facility a revised statutory orphan share estimate if the President determines that the subsequent settlement includes a new statutory orphan share, or

"(C) has good cause to revise an earlier statutory orphan share estimate.

"(D) FINAL SETTLEMENTS.—

"(A) In general.—An administrative settlement, or a judicially-approved consent decree or settlement, shall identify the statutory orphan share owing if the consent decree or settlement includes all funding necessary to complete the remedy, and the construction for the last operable unit at the facility.
(B) Funding and Reimbursement.—A consent decree or settlement described in paragraph (A) shall include funding of statutory orphan shares in accordance with this section to the extent funds are available.

(C) Facilities under unilateral order only.—(i) In general.— As a facility proceeding under section 106(a) that includes all funding necessary to complete remedial project construction for the last operable unit at the facility, if the order has been issued by a single party, and all other potentially responsible parties subject to the order at the facility are described in subsections (a), (b), (d), or (f) of section 107 or subsection (g) of this section or are insolvent, bankrupt, or defunct, the Administrator shall, on petition by the party performing under section 106(b), calculate the statutory orphan share for the facility.

(ii) Payment.—Payment of any statutory orphan share under this subparagraph shall be in addition to the payment with subsection (p)(2)(J), as if the parties had settled.

(D) General Provisions Applicable to Statutory Orphan Shares and Fair Share Settlements.—(1) In general.—A fair share settlement under subsection (n) and a statutory orphan share under subsection (o) with respect to any facility shall be subject to paragraph (2).

(2) Provisions applicable to statutory orphan shares and fair share settlements.—(A) Stay of litigation and enforcement.—(i) In general.—All contribution and cost recovery actions under this Act against each party described in section 107(t) and subsection (g) of this section are stayed until the Administrator offers those parties a settlement.

(ii) Suspension of statute of limitations.—Any statute of limitations applicable to an action described in clause (i) is suspended during the period that a stay under this subparagraph is in effect.

(B) Failure or inability to comply.—If the President fails to fund a statutory orphan share, reimburse a party, or include a statutory orphan share, in any settlement described in subsection (n) or section 107(t), or has resolved its liability to the United States under subsection (n), subsection (g), or section 107(t), or has issued any new order under section 106(b), calculate the statutory orphan share for the facility.

(C) Amounts owed.—(i) Hazardous substance superfund management.—The President may provide partial statutory orphan share funding and partial reimbursement payments to a party on a schedule that ensures an equitable distribution of payments to all eligible parties on a timely basis.

(ii) Priority.—The priority for partial reimbursement payments shall be based on the length of time since the obligation arose.

(iii) Payment from funds made available for subsequent fiscal years.—Any amounts payable in excess of available appropriations in any fiscal year shall be paid from amounts made available for subsequent fiscal years, along with interest on the unpaid balances at the rate equal to that of the current average market yield on outstanding marketable obligations of the United States with a maturity of 1 year.

(D) Distribution of payments to all eligible parties on a schedule that ensures an equitable distribution of payments to all eligible parties.

(E) Liability for Attorney's Fees for Certain Actions.—A person that, after the date of enactment of this subsection, commences a civil action for contribution under this Act against a person that is not liable by operation of subsections (q), (r), (s), or (u) of section 107, or has resolved its liability to the United States under subsection (n), subsection (g), or section 107(t), shall be liable to that person for all reasonable costs of defending the action, including all reasonable attorney's fees and expert witness fees.

(F) Illegal Activities.—Subsections (q), (r), (s), (u), (v), (w), (x), and (y) of section 107 and subsection (g) of this section shall not apply to—

(i) a person whose liability for response costs under section 107(a) is otherwise based on any act, omission, or status that is determined by a court or administrative body of competent jurisdiction within the applicable statute of limitation, to have been a violation of any Federal or State law pertaining to the treatment, storage, disposal, or handling of hazardous substances if the violation pertains to a hazardous substance, the release or threat of release of which caused the incurrence of response costs at the vessel or facility;

(ii) a person described in section 107(o); or

(iii) a bona fide prospective purchaser.

(G) Exception.—(i) In general.—The President may decline to reimburse or offer a settlement to a potentially responsible party under subsections (g) and (n) if the President determines that—

(aa) the person or entity acts in such a way as to impede the effectiveness or integrity of any law enforcement activity, or

(bb) the person or entity fails to provide full cooperation to, assistance to, and access to the vessel or facility to persons that are responsible for response actions at the vessel or facility (including the cooperation and access necessary for the investigation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility);

or

(bb) the person or entity acts in such a way as to impede the effectiveness or integrity of any law enforcement activity, or

(ii) If the person or entity fails to comply with any request for information or assistance issued by the President under this Act.

(H) Basis of determination.—If the President determines that a potentially responsible party is eligible for settlement under this paragraph, the President shall state the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph.

(I) Waiver.—(i) Response costs in allocation.—A party that settles its liability under this subsection waives the right to seek cost recovery or contribution under this Act for any response costs that are addressed in the allocation.

(ii) Response costs in facility.—A party that settles its liability under subsection (g) or section 107(t) waives the right to seek cost recovery or contribution under this Act for any response costs at the facility.

(J) Performance of response actions.—(i) In general.—Except as provided in subparagraph (B), the President may require, as a condition of settlement under subsection (n) and section 107(t), that 1 or more parties conduct a response action at the facility.

(ii) Reimbursement.—(I) In general.—The President shall provide a party that settles its liability under subsection (n) or section 107(t) for response costs incurred in performing a response action that exceed the amount of a settlement approved under subsection (n) or section 107(t).

(P) Pro Rata Reimbursement.—The President shall provide equitable pro rata reimbursement to such parties on at least an annual basis.

(Q) Response Actions.—No party described in subsections (q), (r), (s), (u), (v), (w), or (x) of section 107 may be required to perform a response action as a condition of settlement or ordered to conduct a response action under section 106.

(R) Judicial Review.—(i) In general.—A court shall not approve any settlement under this Act unless the settlement includes an estimate of the statutory orphan share that is fair, reasonable, and consistent with this Act.

(ii) Statutory orphan share settlement.—If a court determines that an estimate of a statutory orphan share is not fair, reasonable, or consistent with this Act, the court may—

(I) approve the settlement; and

(ii) disapprove and remand the estimate of the statutory orphan share.

(B) Regulations.—The President shall issue regulations to implement this title not later than 180 days after the date of enactment of this Act.

(C) Technical Amendment.—Section 115(b)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9706(b)(1)) is amended by adding at the end the following: "The conduct or approval of an allocation of liability under this Act, including any settlement of liability with a party based on the allocation, shall not constitute sufficient cause for any party (including a party that settled its liability based on the allocation) to involuntary violate, or fail to comply with, any order of the President under subsection (a)."

(D) Law Enforcement Agencies Not Included as Owner or Operator.—Section 101(20)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)(D)) is amended by inserting after "or control" the following: "through seizure or otherwise in connection with law enforcement activity, or."

(E) Common Carriers.—Section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(b)(3)) is amended by striking "a published tariff and acceptance" and inserting "a contract".
TITLE IV—REMEDY SELECTION AND NATURAL RESOURCE DAMAGES

SEC. 401. SELECTION AND IMPLEMENTATION OF REMEDIAL ACTIONS.

(a) PREFERENCE FOR TREATMENT.—Section 121(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(b)) is amended by striking paragraph (1) and inserting the following:

‘‘(1) PREFERENCE FOR TREATMENT.—

(A) IN GENERAL.—For any discrete area containing a hazardous substance, pollutant, or contaminant that, based on site specific factors, presents a substantial risk to human health or the environment because of—

(i) the high toxicity of the principal hazardous constituent; or

(ii) the high mobility of the principal hazardous constituent; or

the remedy selection process shall include a preference for a remedial action that includes treatment that reduces the risk posed by the principal hazardous constituent over remedial actions that do not include such treatment.

(B) FINAL CONTAINMENT.—With respect to a discrete area described in subparagraph (A), the President may select a final containment remedy at a landfill or mining site or similar facility if:

(i) the discrete area is small relative to the overall volume of waste or contamination being addressed;

(ii) the discrete area is not readily identifiable and characterized;

(iii) without the presence of the discrete area, containment would have been selected as the appropriate remedy under this subsection because of:

(A) the high toxicity of the principal hazardous constituent; or

(B) the high mobility of the principal hazardous constituent;

the remedy selection process shall include a preference for a remedial action that includes treatment that reduces the risk posed by the principal hazardous constituent over remedial actions that do not include such treatment.

(C) COMPLIANCE WITH FEDERAL AND STATE LAWS.—Any facility-specific risk evaluation shall be consistent with the criteria for the use of facility-specific risk evaluation in connection with a facility.

(D) INCONSISTENT APPLICATION.—At least one facility-specific risk evaluation shall—

(1) be conducted in a timely manner as being applicable to the remedial action, and has consistently applied to other remedial actions in the State;

(2) be conducted in a manner as being applicable to the remedial action, and has consistently applied to other remedial actions in the State.

(E) USE OF RISK ASSESSMENT IN REMEDY SELECTION.—

(a) IN GENERAL.—The goal of a facility-specific risk evaluation performed under this Act is to provide independent, consistent, and understandable estimates that neither minimize nor exaggerate the current or potential risk posed by a facility.

(b) USE OF RISK ASSESSMENT.—The facility-specific risk evaluation shall—

(1) be conducted in a timely manner as being applicable to the remedial action, and has consistently applied to other remedial actions in the State;

(2) be conducted in a manner as being applicable to the remedial action, and has consistently applied to other remedial actions in the State.

(3) be consistent with the criteria for the use of science in decisionmaking stated in subsection (e).

(4) INSTITUTIONAL CONTROLS.—In conducting a risk assessment to determine the need for remedial action, the President may consider only institutional controls that are in place at the facility at the time at which the risk assessment is conducted.

(c) USES.—A facility-specific risk evaluation shall be used to—

(1) determine the need for remedial action;

(2) evaluate the current and potential hazards, exposures, and risks at the facility; and

(3) correct institutional controls, areas, or exposure pathways from further study at a facility;
(4) evaluate the protectiveiveness of alternative remedial actions proposed for a facility;

(5) demonstrate that the remedial action selected is capable of protecting human health and the environment considering the current and reasonably anticipated future use of the land and water resources.

(6) establish protective concentration levels if no applicable requirement under section 121(d)(2)(c) exists or if any applicable requirement is not sufficiently protective of human health and the environment.

(d) Risk Communication Principles.—In carrying out this section, the President shall ensure that the presentation of information on public health effects is comprehensive, informative, understandable, and credible. The document reporting the results of a facility-specific risk evaluation shall specify, to the extent practicable—

(1) each population addressed by any estimate of public health effects;

(2) the expected risk or central estimate of risk for the specific populations;

(3) each appropriate upper-bound or lower-bound estimate of risk;

(4) each significant uncertainty identified in the process of the assessment of public health effects that would assist in resolving the uncertainty; and

(5) peer-reviewed studies known to the President that support, are directly relevant to, or represent any estimates of the public health effects and the methodology used to reconcile inconsistencies in the scientific data.

(e) Use of Science in Decisionmaking.—In carrying out this section, the President shall—

(1) use the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

(2) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data).

SEC. 104. DOUBLE RECOVERY.

Section 107(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(c)(1)) is amended by striking the sixth sentence beginning “There shall be no”) and inserting the following: “A person shall not be liable for damages under this paragraph for an injury to, or loss of a natural resource, or a loss of the uses provided by the natural resource, that have been recovered under this Act or any other Federal, State, or local law or in an agreement or treaty to which the United States is a party, or for the destruction of, or loss of the natural resource or loss of the uses provided by the natural resource.”

SEC. 501. USES OF HAZARDOUS SUBSTANCE SUPERFUND.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking sections 111 and 112 (9611, 9612) and inserting the following:

SEC. 111. USES OF HAZARDOUS SUBSTANCE SUPERFUND.

(a) In General.—

(1) SPECIFIC USES.—The President shall use amounts appropriated out of the Hazardous Substance Superfund only—

(A) for the performance of response actions;

(B) to enter into mixed funding agreements in accordance with section 122; and

(C) to reimburse a party for response costs incurred in excess of the allocated share of the party as described in a final settlement under section 122.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Hazardous Substances Superfund for the purposes specified in paragraph (1), not more than the following amounts:

(A) For fiscal year 2000, $1,165,000,000, of which not more than $200,000,000 shall be used for the purposes set forth in subparagraphs (B) and (C) of paragraph (1).

(B) For fiscal year 2001, $1,165,000,000, of which not more than $200,000,000 shall be used for the purposes set forth in subparagraphs (B) and (C) of paragraph (1).

(C) For fiscal year 2002, $1,120,000,000, of which not more than $200,000,000 shall be used for the purposes set forth in subparagraphs (B) and (C) of paragraph (1).

(D) For fiscal year 2003, $1,075,000,000, of which not more than $200,000,000 shall be used for the purposes set forth in subparagraphs (B) and (C) of paragraph (1). and

(E) For fiscal year 2004, $1,025,000,000, of which not more than $200,000,000 shall be used for the purposes set forth in subparagraphs (B) and (C) of paragraph (1).

(b) CLAIMS AGAINST HAZARDOUS SUBSTANCE SUPERFUND.—Claims against the Hazardous Substance Superfund shall not be valid or paid in excess of the total amount in the Hazardous Substance Superfund at any 1 time.

(c) REGULATIONS.—

(1) Obligation of Funds.—The President may promulgate regulations designating 1 or more Federal officials that may obligate amounts appropriated from the Hazardous Substance Superfund in accordance with this section.

(2) Notice to Potential Injured Parties.—

(A) In General.—The President shall promulgate regulations with respect to the notice that shall be provided to potential injured parties by an owner or operator of any vessel or facility from which a hazardous substance has been released.

(B) Substance.—The regulations under subparagraph (A) shall describe the notice that would be appropriate to carry out this title.

(c) COMPLIANCE.—

"(i) In General.—On promulgation of regulations under subparagraph (A), an owner and operator described in that subparagraph shall provide notice in accordance with the regulations promulgated.

(ii) Pre-promulgation Releases.—In the case of a release of a hazardous substance that occurs before regulations under subparagraph (A) are promulgated, an owner and operator described in that subparagraph shall provide reasonable notice of any release to potential injured parties by publication in local newspapers serving the affected area.

(iii) Releases From Public Vessels.—The President shall promulgate such notice as is appropriate to potential injured parties with respect to releases from public vessels.

(d) NATURAL RESOURCES.—

(i) In General.—Except as provided in paragraph (2), funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resource until a plan for the use of the funds for those purposes has been developed and adopted, after adequate public notice and opportunity for hearing and consideration of all public comment, by—

(A) affected Federal agencies;

(B) the Governor of any State in which that sustained damage to natural resources that are within the borders of, belong to, are managed by, or appertain to the State; and

(C) the governing body of any Indian tribe that sustained damage to natural resources that—

(i) are within the borders of, belong to, are managed by, or appertain to, or are held in trust for the benefit of the tribe; or

(ii) belong to a member of the tribe, if those resources are subject to a trust restriction alienation.

(ii) Emergency Action Exemption.—Funds may be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resource only in circumstances requiring action to—

(A) avoid an irreversible loss of a natural resource;

(B) prevent or reduce any continuing danger to a natural resource; or

(C) prevent the loss of a natural resource in an emergency situation similar to those described in subparagraphs (A) and (B).

(e) Post-Closure Liability Fund.—The President shall use the amounts in the Post-Closure Liability Fund for—

(i) any of the purposes specified in subsection (a) with respect to a hazardous waste disposal facility for which liability has been transferred to the Post-closure Liability Fund under section 107(k); and

(ii) payment of any claim or appropriate request for costs of a response, damage, or other compensation for injury or loss resulting from a release of a hazardous substance from a facility described in paragraph (1) under—

(A) section 107; or

(B) any other Federal or State law.

(f) Inspector General.—

(i) Audits.—In each fiscal year, the Inspector General of the Environmental Protection Agency shall conduct an annual audit of—

(A) all agreements and reimbursements under subsection (a); and

(B) all other activities of the Environmental Protection Agency under this Act.

(ii) Report.—The Inspector General of the Environmental Protection Agency shall submit to Congress an annual report that—

(A) describes the results of the audit under paragraph (1); and

(B) contains such recommendations as the Inspector General considers to be appropriate.
“(g) FOREIGN CLAIMS.—To the extent that this Act permits, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

“(1) the release of a hazardous substance occurred—

(A) in the navigable waters of a foreign country of which the claimant is a resident; or

(B) in or on the territorial sea or adjacent shoreline of a foreign country described in subparagraph (A); or

(C) in or on the territorial sea or adjacent shoreline of a foreign country described in subparagraph (A), and

(D) in paragraph (1), by striking “obligations from the Fund other than those authorized by subsection (b) of this section,” and inserting “such response actions”; and

(E) in paragraph (7), by striking “shall be from funds received by the Fund from amounts recovered on behalf of such fund under this Act” and inserting “shall be from appropriations out of the general fund of the Treasury.”

(2) the claim is not otherwise compensated for the loss of the claimant;

(3) this Act permits, a foreign claimant may assert a claim if—

(A) section 20(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1396(a)(2)); or

(B) the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); and

(4)(A) recovery is authorized by a treaty or an executive agreement between the United States and such foreign country; or

(B) the Secretary of State, in consultation with the Attorney General and other appropriate officials of the foreign country provides a comparable remedy for United States claimants.

(h) AUTHORIZATION OF APPROPRIATIONS OUT OF THE GENERAL FUND.—

(1) HEALTH ASSESSMENTS AND HEALTH CONCERNS.—There are authorized to be appropriated to the Agency for Toxic Substances and Disease Registry to conduct health assessments and health consultations under this Act, and for epidemiologic and laboratory studies, preparation of toxicologic profiles, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or suspected release are suffering from long-latency diseases:

(A) for fiscal year 2000, $60,000,000;

(B) for fiscal year 2001, $55,000,000;

(C) for fiscal year 2002, $55,000,000;

(D) for fiscal year 2003, $50,000,000;

(E) for fiscal year 2004, $50,000,000.

(2) HAZARDOUS SUBSTANCE RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—There are authorized to be appropriated to the Agency for Toxic Substances and Disease Registry:

(A) in general.—There are authorized to be appropriated not more than the following amounts for the purposes of section 311(a):

(i) for fiscal year 2000, $40,000,000;

(ii) for fiscal year 2001, $40,000,000;

(iii) for fiscal year 2002, $40,000,000;

(iv) for fiscal years 2003 and 2004, $40,000,000 each.

(B) TRAINING LIMITATION.—Not more than 15 percent of the amounts appropriated under subparagraph (A) shall be used for training under section 311(a) for any fiscal year.

(C) UNIVERSITY HAZARDOUS SUBSTANCE RESEARCH CENTERS.—Not more than $5,000,000 of the amounts available in the Hazardous Substance Superfund may be used in any of fiscal years 2000 through 2004 for the purposes of section 311(d).

(3) NPL GRANT PROGRAMS.—There are authorized to be appropriated to carry out section 127 $100,000,000 for each of fiscal years 2000 through 2004.

(4) QUALIFYING STATE RESPONSE PROGRAMS.—There are authorized to be appropriated to maintain, establish, and administer qualifying State response programs during the first 5 full fiscal years following enactment of this paragraph under a formula established by the Administra

trator, $100,000,000 for each of fiscal years 2000 through 2004.

(5) DEPARTMENT OF JUSTICE.—There is authorized to be appropriated to the Attorney General for fiscal years 2000 through 2004, $30,000,000 for each of fiscal years 2000 through 2004.

(6) PROHIBITION OF TRANSFER.—None of the funds authorized to be appropriated under this subsection may be transferred to any other Federal agency.

(7) CONFORMING AMENDMENTS.—

(A) RESPONSE ACTIONS.—Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(1)) is amended by striking in paragraph (1), by striking “As a result of a written notification from the Agency for Toxic Substances and Disease Registry given after a site has been listed in the National Priority List for contamination that is estimated to be injurious to human health or the environment in a manner so as to require corrective action under this Act” and inserting “As a result of a written notification from the Agency for Toxic Substances and Disease Registry given after a site has been listed in the National Priority List for contamination estimated to be injurious to human health or the environment in a manner so as to require corrective action under this Act”.

(B) IN INFORMATION GATHERING AND ANALYSIS.—Section 105(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(g)(4)) is amended by striking “monies from the Fund” for “monies from the Hazardous Substance Superfund”.

(3) PRESIDENT.—Section 107(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(c)(3)) is amended in the first sentence by striking “Fund” and inserting “President”.

(4) OTHER LIABILITY.—Section 109(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9609(d)) is amended by striking “the second sentence”.

(5) SOURCE OF FUNDING.—Section 119(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619(c)(3)) is amended—

(A) in the second sentence, by striking “For purposes of section 111, amounts” and inserting “Amounts”; and

(B) in the third sentence—

(i) by striking “If sufficient funds are not available in the Hazardous Substance Superfund established under chapter 98 of the Internal Revenue Code of 1986 for the payment of obligations from the Fund, the Federal Government shall make funds available” and inserting “There has been a release of a hazardous substance at a site listed in the National Priority List and the Federal Government shall make funds available”;

(ii) by striking “from the Fund” and inserting “from the Superfund”;

(iii) by striking “payments” and inserting “contributions”;


(A) by striking “using the Fund” and inserting “fund”;

(B) by striking “from the Fund” and inserting “fund”;

(7) AVALANCHE OF FUNDING.—Section 122(c)(4)(F) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(c)(4)(F)) is amended by striking “from the Fund or other sources”.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to join the distinguished chairman of the Committee on Environment and Public Works in introducing the Superfund Amendments and Reauthorization Act of 1999 (SAARA). This bill is the result of several months of negotiations in the Committee, and reflects input we received from Senators on both sides of the aisle, state and local officials, the Administration, environmental groups, and the regulated community.

My colleagues who are familiar with our original bill, S. 1090, will notice several changes made in this new legislation.

Perhaps most significantly, we have added new titles on remedy selection and natural resource damages. These new provisions are similar to those contained in S. 8, the Superfund Clean-up Acceleration Act in the 105th Congress. The Senate Environment and Public Works Committee reported S. 8 in May of 1998, but we never were able to debate the bill on the Senate floor.

Our remedy selection provisions are fairly straightforward. We would codify EPA’s policy on the preference for treatment of principal threats, with an exception for sites, such as mining sites, at which such a preference would be inappropriate. We require remedies to achieve a degree of cleanup that complies with applicable Federal and State standards. We also set forth requirements for site specific risk assessments.

On natural resource damages (NRD), we deal with the major issues that have been debated over the last 10 years or more. SARA’s NRD provisions:

Provide a clear definition of the objective of restoration; require costs assessed against responsible parties to be reasonable, based on the restoration measure’s technical feasibility, cost effectiveness, timeliness, and consideration of natural recovery as a restoration alternative; prohibit recoveries for so-called “nonuser” damages and appropriately limit lost use damages; provide for the expedited or enhanced restoration of substitute resources where a unique resource that cannot be replaced has been destroyed, lost or damaged; provide responsible parties with the right to de novo review—or a full trial on all aspects of the claim against them; and, preclude double recovery against responsible parties.

In addition to these new titles, we have also made several changes to S. 1090 as introduced.

First, we have increased authorized funding levels in the first two years of the five-year period covered by the bill and made the ramp-down in funding less severe in the final three years.

Second, we deleted the cap on new NPL listings and revised the requirement for removing clean contiguous property parcels from NPL listings.

Third, we made extensive changes to the allocation system to provide additional flexibility. We added authorization for early settlements without an allocation, as well as an expedited allocation based only on an estimate of the orphan share.

Fourth, we expressly preserve strict, joint and several liability for those parties who choose not to participate in a settlement. We also ensure that EPA’s existing authority to issue orders and engage in removal actions is not unduly limited.

Mr. President, before I turn to my statement, I would like to formally recognize the unanimous passage of S. 8, the Superfund Clean-up Acceleration Act of 1999 (SAARA). This bill is the result of several months of negotiations in the Committee, and reflects input we received from Senators on both sides of the aisle, state and local officials, the Administration, environmental groups, and the regulated community.
Mr. President, these modifications have, in my view, improved the bill substantially. We are introducing this new bill for the information of our colleagues, and in an effort to generate more support for this legislation.

Unfortunately, these revisions to our Superfund bill are not sufficient to garner support from a majority of the Members on the Committee. That is disappointing to me, and I would urge my colleagues to take a good look at the bill we introduce today. It represents a reform of the troubled Superfund program. It will accelerate cleanup by injecting greater fairness into the system, providing more resources for state and local cleanup efforts, and providing finality for decisions made under those state programs.

Our legislation continues to make major reforms in six areas. Specifically, SARA:

- Directs EPA to finish the job that was started nearly two decades ago by completing the evaluation of the 3,000 remaining sites on the CERLA Information System (CERCLIS).
- Clearly allocates responsibility between states and EPA for future cleanups.
- Protects municipalities, small businesses, recyclers, and other parties from unfair liability—while making the system fairer for everyone else.
- Provides states $100 million per year and full authority for their own cleanup programs.
- Revitalizes communities with $100 million in annual brownfields redevelopment grants.
- Requires fiscal responsibility by EPA and some taxpayers' money.

Our legislation will result in more hazardous waste sites being cleaned up—and in fewer dollars being wasted on litigation. It will give much-needed and much-deserved liability relief to innocent landowners, contiguous property owners, and prospective purchasers, municipalities, small businesses, and recyclers. Unlike EPA's administrative reforms, this bill does not shift costs from politically popular parties to those left holding the bag. Instead, it requires payment of a statutory orphan share and authorizes the use of the Superfund Trust Fund for those shares.

For those left trapped in the Superfund liability scheme, SARA requires an allocation process to determine a party's interest in an expended settlement—and instead of fighting it out for years in court.

In addition to increasing fairness, SARA provides much needed guidance and direction to a sometimes wayward EPA. It recognizes and builds upon the growth and strength of State hazardous waste cleanup programs. It provides new resources to States and localities for their cleanup and redevelopment efforts. As many of my colleagues know, the fear of Superfund liability has resulted in up to 350,000 trouble-don or underutilized properties, or “Brownfields,” that lay fallow because private developers and municipalities don't want to be dragged into Superfund's litigation quagmire. With new resources and appropriate liability protections, our bill will allow the cleanup of those sites, spurring economic redevelopment in cities, towns, and rural areas across America.

We take a different approach to the brownfields redevelopment issue than the Administration seeks. Along with many of my colleagues, I believe that economic redevelopment is primarily a State and local issue. Our approach provides the resources and freedom States need to make progress on this front, rather than giving EPA new authority to get into the commercial real estate and redevelopment business. That is not EPA's role, nor should it be.

Where EPA does have a role is in identifying and addressing risks at uncontrolled hazardous waste sites. Our legislation ensures that EPA retains its focus on that mission. Earlier this year, the General Accounting Office (GAO) reported that “completion of construction at existing sites” and reducing new entries into the program was the Environmental Protection Agency's top Superfund priority. Unfortunately, EPA's narrow focus on generating construction completion statistics appear to have divested resources from EPA's fundamental mission—protecting human health and the environment from releases of hazardous waste.

GAO reported last year that 3,000 sites still awaits a National Priorities List decision by EPA. Most of those sites have been in the CERCLIS inventory for more than a decade. According to the report, however, more than 1,200 of them are actually ineligible for listing on the NPL for a variety of reasons. Some of the sites were classified erroneously, while others either do not require cleanup, have already been cleaned up, or have never been under EPA's control. EPA's failure to remove the specter of an NPL listing at these sites has likely caused significant economic and social harm to the surrounding communities. EPA needs to focus on that task.

In addition, far too many of the sites that are still potentially eligible for listing have received little or no attention from EPA. EPA admitted taking no cleanup action at all at 336 sites and providing for cleanup at another 48 sites. The only action taken at 719 sites was an initial site assessment. EPA's inattention may be due to the fact that EPA and state officials together identified only 232 of the sites as worthy of being added to NPL. In that case, however, the appropriate response is to archive the sites while ensuring that any necessary cleanup occurs under some other Federal or State program. EPA needs to focus on that task as well.

Unfortunately, there is also disagreement between EPA and state officials about even those 232 sites. EPA identified 132 that may be listed on the NPL in the future, but state officials agreed on only 26 of those. Conversely, state officials identified a different group of 100 sites as worthy of an NPL listing in the future.

EPA agreed with GAO's recommendation that it "develop a joint strategy" for States for addressing these sites. After nearly 20 years and $20 billion in taxpayer funded EPA appropriations, it is disturbing that the agency only now is developing such strategy. Nonetheless, Congress has an obligation to provide direction and assistance to EPA. The Superfund Amendments and Reauthorization Act provides that direction by:

- Requires EPA to finish evaluating and/or archiving old sites stuck in the CERCLIS inventory, thus correcting the current imbalance between evaluating uncontrollable sites and amassing construction completed statistics.
- Providing EPA with a schedule of 30 NPL listings per year, to ensure that it and the States appropriately allocate their resources for cleanup under Superfund, RCRA, or State response programs.
- Increasing current law limits on EPA removal actions to provide greater flexibility in responding to sites that, at least initially, should be the responsibility of the Federal government, but ultimately do not require an NPL listing.

These provisions will ensure that the limited universe of sites remaining in the Superfund pipeline are dealt with quickly and safely.

In addition to keeping EPA focused on the task at hand, our bill provides increased resources and authority to the States, in recognition of the progress made by State cleanup programs in the last decade.

Supervision is notable among the major Federal environmental statutes not only for its abysmal track record, but also for its heavy reliance on EPA action rather than state implementa- tion of other Federal programs—RCRA, the Clean Water Act, the Safe Drinking Water Act—EPA typically sets general program direction and provides technical support while leaving implementation and enforcement to the States. In the Superfund program, however, EPA takes a direct role in both enforcement and cleanup. This leadership role was originally justified by a perceived inability or alleged unwillingness on the part of states to perform cleanups. The situation today is far different.

The Environmental Law Institute reported last year that States have now completed 41,000 cleanups, with another 13,700 in progress. The Association of State and Territorial Solid Wastes Management Officials (ASTSWM) reports that “States are not only addressing more sites at any given time, but are also completing more sites through streamlined State programs. State programs have matu- rated and increased in their infrastruc- ture capacity.”

Most now recognize that states have made great strides in their programs,
and even EPA in May of 1998 released a "Plan to Enhance the Role of States and Tribes in the Superfund Program." Not surprisingly, while that plan appears to provide some increased opportunities for state leadership, it also envisions a significant, on-going role for EPA.

The Superfund Amendments and Reauthorization Act, on the other hand, assists, recognizes, and builds on the growth of state cleanup programs. SARA also responds to pleas from ASTSWMO, the National Governors Association, and others to remove the ever-present threat of EPA over-filing and third party lawsuits under Superfund when a site is being cleaned up under a State program. SARA recognizes the fact that States should be the leaders in cleaning up hazardous waste sites by:

- Providing $100 million annually for State core and voluntary response programs to allow States to build on their impressive record of accomplishment in this area.

- Providing finality, except in cases of emergency or at a State's request, for cleanups conducted under State law.

- Requiring EPA to work with the States to develop a list on the NPL that are those the Governor of the State agrees warrant an NPL listing.

Mr. President, the legislation we introduce today has the strong support of the nation's small businesses, Governors, state cleanup officials. I urge my colleagues to support it as well.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mrs. HUTCHISON, Mr. FEINGOLD, and Mr. MOYNIHAN):

S. 1538. A bill to amend the Communications Act of 1934 to clarify State and local authority to regulate the placement, construction, and modification of telecommunications facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS TOWERS LEGISLATION

Mr. LEAHY. Mr. President, it is going on two years since I first submitted comments to the Federal Communications Commission regarding their proposed rules to preempt State and local governments in the placement and construction of telecommunications towers. Close to two years later, I am still working to ensure that the voice of States and local governments are heard in the continuing fight over telecommunications tower construction.

I am proud to be joined by Senators JEFFORDS, HUTCHISON, FEINGOLD, and MOYNIHAN in introducing legislation which will mandate that states and towns cannot be ignored in the spread of telecommunications towers. This bill recognizes that states and towns do have choices in this cellular age.

I became greatly alarmed two years ago, when the Federal Communications Commission proposed rules which would preempt State and local governments in the siting of telecommunications towers. This rule is still pending, and it has been by no means the only or final attempts to minimize the role of State and local governments in the clamar to erect telecommunications towers.

For instance, some may recall the "E-911" bill that was introduced last Congress which would have prohibited State and local governments from having any say over the placement or construction of telecommunications towers on federal lands. Keep in mind that federal courthouses and post offices are included in this category.

I continue to be very concerned that the rights of citizens are being jeopardized by the interests of telecommunications companies.

As I have said before, I do not want Vermont turned into a pin cushion, with 200 foot towers indiscriminately sprouting up on every mountain and in every valley.

The state of Vermont must have a role in deciding where telecommunications towers are going to go. Vermont citizens and communities should be able to participate in the important decisions affecting their families and their future.

Twenty-nine years ago, Vermont enacted landmark legislation, known as Act 250, to carefully establish procedures to balance the interests of development with the interests of the environment, health and safety, resource conservation and the protection of Vermont's natural beauty. I do not want Act 250's legacy to be undermined by the interests of telecommunications companies.

Another factor that should remain at the forefront of this debate is the existence of alternative communication technologies.

For instance, some companies are working to offer phone service throughout the United States that is based on low-earth-orbit satellites. Over time, this will provide a satellite communications link from any place in the world, even where no tower-based system is available. Emergency communications—911 and disaster assistance—will be greatly aided with this development.

In addition, I have previously discussed how the towerless PCS-Over-Cable wireless technology provides digital cellular phone service by using small antennas rather than large towers. These small antennas can be quickly attached to existing telephone poles, lamp posts or buildings and can provide quality wireless phone service without the use of towers. This technology is cheaper than most tower technology in part because the PCS-Over-Cable wireless provider does not have to purchase land to erect large towers.

Since there are viable and reasonable alternatives to providing wireless phone service through the use of towers, I think that towns should have some say in this matter. And I think that mayors, town officials and local citizens will agree with me.

Also, consider this: the Federal Aviation Administration presently has limited authority to regulated the sitting of towers, and high altitude airport officials work with local governments in the siting of towers. Silencing local governments will have a direct effect on airline safety, according to the representatives of the airline industry that we have heard.

In fact, in a comment letter responding to the FCC's 1997 proposed rule at preemption, the National Association of State Aviation Officials stated that preemption "is contrary to the most fundamental principles of aviation safety. * * * the proposed rule could result in the creation of hazards to aircraft and passengers at airports across the United States, as well as jeopardize safety on the ground." I cannot think of anyone who would want towers constructed irrespective of the negative and potentially dangerous impacts they may have on airplane flight and landing patterns.

There is also a growing concern about potential health hazards associated with using cellular telephones. Though there was a major push by the U.S. federal government to research effects of electric and magnetic fields on biological systems, as is evidenced by the five-year Electric and Magnetic Fields Research and Public Information Dissemination Program, there has been no similar effort to research potential health effects of radio frequency emissions associated with wireless communications and wireless broadcast facilities. This omission should no longer be overlooked.

As I have said before, I am for progress, but not for ill-considered, so-called "progress" at the expense of Vermont families, towns and homeowners. Vermont can protect its rural and natural beauty while still providing for the amazing opportunities offered by these technological advances.

I am proud to continue in my commitment to the preservation of State and local authority over the siting and construction of telecommunications towers. I ask unanimous consent that this legislation be printed the RECORD.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The placement of Telecommunications Facilities near residential properties can greatly reduce the value of such properties, destroy the views from such properties, and reduce substantially the desire to live in the area.

(2) States and local governments should be able to exercise control over the siting, construction, and modification of such facilities through the use of zoning, planned...
growth, and other land use regulations relating to the protection of the environment and public health, safety and welfare of the community.

(9) There are alternatives to the construction of facilities to meet telecommunications and broadcast needs, including, but not limited to, alternative locations, colocation of antennas on existing towers or structures, towerless PCS-Over-Cable or PCS-Over-Fiber telephone service, satellite television systems, low-earth orbit satellite communication networks, and other alternative technologies.

(4) There are alternative methods of designing television tower or structures related to telecommunications and broadcast needs, including the use of small towers that do not require blinking aircraft safety lights, break skylines, or protrude above tree canopies and that are not camouflaged or disguised to blend with their surroundings, or both.

(5) On August 19, 1997, the Federal Communications Commission issued a proposed rule, MM Docket No. 97–182, which would preempt the application of State and local zoning and land use ordinances regarding the placement, construction, and modification of broadcast transmission facilities. It is in the interest of the Nation that the Commission not adopt this rule.

(6) It is in the interest of the Nation that the memorandum opinions and orders and proposed rules of the Commission with respect to application of State and local zoning and land use ordinances regarding the placement, construction, and modification of television towers and broadcast transmission facilities be available; and

(7) PCS-Over-Cable, PCS-Over-Fiber, and satellite telecommunications systems, including low-earth orbit satellites, offer a significant opportunity to provide so-called "911" emergency telephone service throughout the United States.

(8) According to the Comptroller General, the Commission does not consider a health agency and turns to health and radiation experts outside the Commission for guidance on the issue of health and safety effects of electromagnetic exposure.

(9) The Federal Aviation Administration does not have adequate authority to regulate the placement, construction, and modification of telecommunications facilities near airports or high-volume air traffic areas such as corridors of airspace or commonly used flyways. The Commission's proposed rules to preempt State and local governments to exercise their zoning and land use authorities, and their power to protect public health and safety, to regulate the placement of telecommunications and broadcast facilities is contrary to the purpose of the Federal Communications Act and the purposes of this Act. The Commission may not adopt as a final rule or regulation an interpretation of the Act that is inconsistent with State or local government codes, laws or decisions, to require the use of alternative methods of designing television tower or broadcast facilities related to telecommunications and broadcast needs, or to hold applicants for permits for the placement, construction, and modification of such facilities, accountable for the truthfulness and accuracy of representations and statements placed in the record of hearings for such permits, licenses or approvals.

SEC. 2. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF TELECOMMUNICATIONS FACILITIES.

(a) REPEAL OF LIMITATIONS ON REGULATION OF TELECOMMUNICATIONS FACILITIES.—Section 332(c)(7)(B) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(B)) is amended—

(1) by striking the third sentence and in its stead inserting—

"(1) requiring a person or entity seeking to place, construct, or modify a tower, if alternate technology facilities are available;"

(2) by striking clause (iv); and

(3) by redesigning clause (v) as clause (iv); and

(4) in clause (iv), as so redesignated—

(A) in the first sentence, by striking "30 days after such action or failure to act" and inserting "30 days after exhaustion of any administrative remedies with respect to such action or failure to act"; and

(B) by striking the third sentence and inserting the following: "In any such action in which a person seeking to place, construct, or modify telecommunications facilities is a party, such person shall bear the burden of proof, regardless of who commences the action."

(b) AUTHORIZATION REGARDING PRODUCTION OF DOCUMENTS.—Nothing in this Act may be interpreted to authorize any person or entity to modify telecommunications facilities in a manner that is inconsistent with State or local government codes, laws or decisions, to require the use of alternative methods of designing television tower or broadcast facilities related to telecommunications and broadcast needs, or to hold applicants for permits for the placement, construction, and modification of telecommunications facilities within the jurisdiction of the State or local government.

SEC. 3. ASSESSMENT OF RESEARCH ON EFFECTS OF RADIO FREQUENCY EMISSIONS ON HUMAN HEALTH.

(a) General.—The Secretary of Health and Human Services shall carry out an independent assessment on the effects of radio frequency emission on human health. The Secretary shall carry out this independent assessment through grants to appropriate public and private entities selected by the Secretary for purposes of the independent assessment.

(b) Authorization of Appropriations.—There are hereby authorized to be appropriated for the Secretary of Health and Human Services for fiscal year 2000, $10,000,000 for purposes of grants for the independent assessment required by subsection (a). Amounts appropriated pursuant to the provision of this Act shall be available until expended.
(c) The Secretary of Health and Human Services shall produce a report on existing research evaluating the biological effects to human health of short term, high-level, as well as low-level exposure to radio frequency emissions to Congress no later than January 1, 2001.

Mr. FEINGOLD. Mr. President, I am pleased to stand together today with my distinguished colleague, Senator LEAHY, the ranking member of the Judiciary Committee, on a bill that protects the rights of state and local authorities. Indeed, the Federal Communications Commission’s proposed rule on telecommunications tower siting is an explicit transfer of power to the federal government.

Mr. President, the FCC would have the American people believe that it understands state and local land use issues. It’s proposed rule, itself promoted by a special interest group, would preempt state and local zoning and land use restrictions on the siting and construction of telecommunications towers. This is not the way the Federal government should be operating.

The FCC’s proposed rule would set specific time limits within state and local governments must act in response to requests for approval of the placement, construction or modification of these towers. In addition, the rule would “remove from local consideration certain types of restrictions on the siting and construction of transmission facilities.” And finally, the rule would preempt all state and local laws that impair the ability of licensed broadcasters to construct or modify towers unless the state or local government can prove that their regulation is “reasonable in relation to a clearly defined and expressly stated health or safety objective.

Mr. President, the proposal infringes on the rights and jurisdictional responsibilities of states and localities to make important zoning decisions in accordance with their own development objectives. It infringes also on the rights of residents of states and localities to fully enjoy the protection of rules requiring notification of adjacent land owners, hearing requirements and appeal periods. Under the proposed rule, the Federal government would impose specific time periods during which zoning disputes between entities seeking to construct or modify towers and the state or locality must be resolved.

The rule also appears to preempt entirely a local or state law regarding tower placement even if that law is intended to ensure the health or safety of the community. Mr. President, states and localities should be able to maintain the right to control telecommunications within their own jurisdictions, without undue interference from the Federal government. Federal preemption of zoning decisions should be the exception rather than the rule. The proposed rule would make federal preemption of legitimate local and state zoning and land use laws commonplace.

Why would we allow this end run around state and local authority, Mr. President? It goes completely against the philosophy of state and local autonomy that so many of my colleagues support.

To try and get to the bottom of this, Mr. President, I’d like to Call the Bankroll, which I do from time to time during my remarks on this floor. I’m going to offer some information about the political donations that have been made by the telecommunications giants that have a huge stake in the wireless communications industry. That industry has been lobbying hard in favor of the telecom companies wanting the federal government to overrule local communities that don’t want a tower in their town.

During the last election cycle, the following telecommunications companies staked their influence in the wireless market gave millions upon millions of dollars to candidates and the political parties: Bell Atlantic gave more than $920,000 in soft money and nearly $110,000 in PAC money; Wireless manufacturer Motorola gave $100,000 in soft and money and nearly $80,000 in PAC money; The Cellular Telecommunications Industry Association, the lobbying arm of the wireless industry, gave more than $100,000 in soft money and more than $85,000 to candidates; And AT&T gave nearly $825,000 in soft money to the parties and nearly $820,000 in PAC money to candidates.

Certainly, this FCC rule is not the only thing these companies are lobbying for. Mr. President. But whenever wealthy interests wants something, they have the weight of their contributions behind them. Those contributions influence the politicians who deserve to be noted in this discussion. I think it’s vitally important that we keep these contributions in mind as we evaluate the proposed rule, and we try to understand why the FCC would propose it, and why a Congress full of members who support state and local autonomy would stand for it.

But Mr. President, now I’d like to get to the good news—the bill authored by the distinguished senior senator from Vermont, which would repeal limitations on state and local authority regarding the placement of, construction of and modifications to telecommunications towers. It would do so by prohibiting the FCC from adopting as final the proposed rule. And the bill does so in a responsible manner.

Senator LEAHY’s bill incorporates aviation industry concerns by allowing state and local governments to require telecommunications companies to be accompanied by documentation showing compliance with applicable state and local aviation standards. It acknowledges alternative technologies which can be used in place of towers, including satellite dish and cable. It authorizes state and local governments to require evidence from companies showing that the proposed tower would comply with federal health and environmental standards. And it maintains the authority from the city of Milwaukee and to ensure that companies comply with statements, assertions and representations made while applying for permission to locate a broadcast facility.

Mr. President, as new telecommunications towers have sprouted up by the thousands from coast to coast, so has the ire of our residents. To quote my distinguished colleague from Vermont, I too don’t want Wisconsin turned into a giant pin cushion with 200-foot towers sticking out of every hill and valley.

Mr. President, Wisconsin will be a leader in the information age, but Wisconsinites deserve the right to determine where towers are located within Wisconsin. More than a few Wisconsin communities, large and small, have voiced their clear opposition to the heavy hand of the Federal government on this issue. Various communities and the Milwaukee Regional Cable Commission to the cities of Fond du Lac and Brookfield to the Dodge County Board of Supervisors, the Lincoln County Zoning Committee, and the Oneida County Planning and Zoning Committee have contacted me to voice their opposition to the proposed rule.

And other communities that have voiced opposition to recent tower sitting plans, including Delafield, Fox River, Bayside, Elm Grove, Germantown, Heartland, Mequon, Muskego, St. Francis, and Whitefish Bay.

One resident of Cassian, Wisconsin, summed up the feeling of many Wisconsinites: “We don’t want to become a tower farm.”

Mr. President, the FCC clearly has overstepped its regulatory bounds. We should empower state and local governments, not emasculate them. I hope my colleagues will support the rights of our states and municipalities, not more Federal autocracy. I commend my colleagues for introducing this important piece of legislation.

I yield the floor.

By Mr. DODD (for himself and Mr. DEWINE):
S. 1539. A bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.
The Child Care Facilities Financing Act would provide grants to intermediary organizations, enabling them to provide financial and technical assistance to existing or new child care providers, including both center-based and home-based child care. The financial assistance may be in the form of loans, grants, investments, or other assistance, allowing for flexibility depending on the situation of the child care provider. The assistance may be used for acquisition, construction, or renovation of child care facilities or equipment. It may also be used for improving child care management and business practices. Additionally, intermediary organizations are required to match investments with significant private sector investments, leveraging federal funding and creating valuable public/private partnerships.

The added benefit in providing this kind of assistance is that it will spur further community and economic development. When parents can work with the knowledge that their children are adequately cared for, they become more reliable and productive workers. When the economic situation of families improve, distressed communities become revitalized.

Let me provide you with an example from my state of how financial assistance for child care development has helped alleviate dire situations. In one low-income neighborhood in New Haven, CT, there are 2,500 children under the age of 5, but only 200 spaces in licensed child care facilities. For more than a decade, the LULAC Head Start program served this community by operating a part-day early childhood program in a poorly lit church basement. There has been a waiting list of over 100 children for this program. Because the Head Start program closed, the 54 children it served were moved to an already overcrowded location.

Fortunately for LULAC, Connecticut has a new Child Care Facilities Loan Fund Program, a public-private partnership that provides financial assistance for child care facilities development, targeting school readiness programs in underserved areas. LULAC has finally received desperately needed financial assistance to develop the Hill Parent Child Center. A new facility is being constructed, specially adapted for child care use. The center will now be able to provide multicultural child care, school readiness, and Head Start services for 172 low-income children in New Haven.

Although this story had a happy ending, many more children in New Haven and other places in Connecticut still need child care. And most states do not have a child care financing system in place.

Working parents and their children need adequate child care. Increasing the supply of child care will create a better economy as more parents move from welfare to work, and it will create more choices for parents to gain control over their families’ lives. I hope that you will join Senator DeWine and me in taking an important step toward lifting our nation out of its current child care crisis.

By Mr. JOHNSON:

S. 1541. A bill to amend the Employee Retirement Income Security Act of 1974 to require annual informational statements by plans to provide a technical correction to the Employee Retirement Income Security Act of 1974 to require annual informational statements. National news publications have reported that information about fees is not fully disclosed.

I am concerned that millions of American families work and save for their retirement through 401(k) plans without having an opportunity to fully evaluate and compare the costs of such plans. I am troubled that information about fees is not fully disclosed. I believe families should be free to choose among competing plans and participate in retirement savings vehicles of their choice. I am concerned that millions of American families work and save for their retirement through 401(k) plans without having an opportunity to fully evaluate and compare the costs of such plans. I am troubled that information about fees is not fully disclosed. I believe families should be free to choose among competing plans and participate in retirement savings vehicles of their choice. I am concerned that millions of American families work and save for their retirement through 401(k) plans without having an opportunity to fully evaluate and compare the costs of such plans. I am troubled that information about fees is not fully disclosed. I believe families should be free to choose among competing plans and participate in retirement savings vehicles of their choice.
businesses and families have the information necessary to protect their nest eggs from excessive, undisclosed fees that threaten to siphon off the rewards of their work and prudence.

Recently the Department of Labor, the American Bankers Association, the American Association of Life Underwriters, and the Investment Company Institute announced a plan to address these concerns and provide information about 401(k) fees. I applaud this responsible and important effort. The agreements reached should be given fair consideration and an opportunity to be implemented. It is my sincere hope, that these efforts will be supported by all 401(k) plan providers and that consumers will utilize and benefit from fee disclosure.

Nonetheless, I want to go on record to articulate my lingering concern for the lack of disclosure currently provided and make known my conviction to pursue legislative action should the industry fail to fully implement the goals of disclosure recently agreed upon. Again, I want to reiterate that I believe the recent announcement is an important step to resolve this issue. My goal is to make sure consumers have access to timely and meaningful information about fees readily available to them. I will be monitoring the progress closely and remain hopeful that legislative action will not be necessary to achieve disclosure of 401(k) fees.

By Mr. BURNS (for himself, Mr. WYDEN, Mr. LOTT, and Mr. HOLLINGS):

S. 1547. A bill to amend the Community Broadcasters Protection Act of 1994 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMMUNITY BROADCASTERS PROTECTION ACT OF 1999

Mr. BURNS. Madame President, I am very pleased to introduce the “Community Broadcasters Protection Act of 1999,” along with my colleagues Senator WYDEN, Senator LOTT and Senator HOLLINGS.

This critical legislation was championed last year by my good friend and former colleague Senator Ford. The Commerce Committee unanimously reported this bill on October 2, 1998, but unfortunately there was not sufficient time to complete action on the bill.

Low power television stations (LPTV) offer their communities significant services including valuable local and other specialized programming to unserved and underserved audiences throughout the United States. As secondary service broadcasters, they remain vulnerable to displacement and encounter huge problems with capital formation but have significance and are required.

This legislation has a very simple but important purpose. It provides an opportunity for LPTV licensees to convert their temporary licenses to permanent licenses. While the opportunity is available to all licensees, the legislation provides that only those who do a significant amount of local programming in their service areas are eligible for the Class A permanent license. To promote the quality level of local broadcasting by all Class A licensees, this bill also requires that all Class A licensees comply with the operating rules for full power stations.

I would like to emphasize that this bill takes into account the hearings that were held last year before the House Subcommittee on Telecommunications, during which the Federal Communications Commission noted that the previous bill was not sufficiently flexible to address unforeseen engineering-related problems concerning the transition to digital television. The current bill provides that flexibility to ensure that the Commission can make whatever engineering changes are necessary, even channel changes, to ensure that every full power station in the U.S. can achieve digital television service replication of its analog service area.

I thank my colleagues for their support for vigorous legislative action and look forward to seeing it passed by the Senate and into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1547

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 “Community Broadcasters Protection Act of 1999”.

SEC. 2. FINDINGS.

The Congress finds that:

(1) Since the creation of low-power television licenses by the Federal Communications Commission, a number of license holders have operated their stations in a manner beneficial to the public good providing broadcasting to their communities that would not otherwise be available.

(2) These low-power broadcasters have operated their stations in a manner consistent with the programming objectives and hours of operation of full-power broadcasters providing worthwhile services to their respective communities while under severe license limitations compared to their full-power counterparts.

(3) License limitations, particularly the temporary nature of the license, have blocked many low-power broadcasters from having access to capital, thus hampered their ability to continue to provide quality broadcasting, programming, or improvements.

(4) The passage of the Telecommunications Act of 1996 has added to the uncertainty of the future status of these stations by the lack of specific provisions regarding the permanent status of the Class A license during the transition to high definition, digital television.

(5) It is in the public interest to promote diversity in programming formats by encouraging low power television stations that serve foreign language communities.

These communities should not lose their access to foreign language programming as a result of the transition to digital television.

SEC. 3. PRESERVATION OF LOW-POWER COMMUNITY TELEVISION BROADCASTING.

(a) Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended:

(1) by redesignating paragraphs (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

Preservation of Low-Power Community Television Broadcasting.

(1) Creation of Class A Licenses. Within 120 days after the date of enactment of the Community Broadcasters Protection Act of 1999, the Commission shall prescribe regulations to establish a class A television to be available to licensees of low-power television stations. Such license shall be subject to the same license terms, and renewal standards as the licenses for full-power television stations except as provided in this section, and each class A licensee shall be accorded primary status as a television broadcaster as long as the station continues to meet the requirements for a qualifying low-power station in paragraph (2).

Within 30 days after the date of enactment of the Community Broadcasters Protection Act of 1999, the Commission shall prescribe regulations to establish a class A television to be available to licensees of low-power television stations. Such license shall be subject to the same license terms, and renewal standards as the licenses for full-power television stations except as provided in this section, and each class A licensee shall be accorded primary status as a television broadcaster as long as the station continues to meet the requirements for a qualifying low-power station in paragraph (2).

(b) Sections 332 and 336 of the Communications Act of 1934 (47 U.S.C. 332 and 336) are amended to provide that the text of the bill be printed in the RECORD.

Signed:

August 5, 1999
By Mrs. BOXER (for herself and Mr. BINGAMAN):

S. 1548. A bill to establish a program to help the existing education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

THE EARLY EDUCATION ACT OF 1999

Mrs. BOXER. Mr. President, I am pleased to introduce today what I think is a very innovative proposal to move our education system into the 21st century.

There has been a growing body of research suggesting that a child’s early years are critical to the development of the brain, and that early brain development is an important component of educational and intellectual achievement. Yet, in every state in this country, school does not officially begin until a child is 5 to 6 years old. Many children are missing some critical years.

I submit that as we enter the next century, if we are going to have the best educational system, we must start reaching children at an earlier age.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

I am pleased to be joined in this effort by Senator BINGAMAN. And I want to recognize Representative ANNA ESHOO, who is introducing the House version of this bill. I encourage my colleagues to join us in working to adapt our educational system for the 21st century.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the R E C O R D, as follows:

S. 1548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SEC. 1. SHORT TITLE. This Act may be cited as the “Early Education Act of 1999”.

SEC. 2. FINDINGS. Congress makes the following findings:

(1) In 1989 the Nation’s governors established a goal that all children would have access to high quality early education programs by the year 2000.

(2) Research suggests that a child’s early years are critical to the development of the brain. Early brain development is an important component of educational and intellectual achievement.

(3) The National Research Council reported that early education opportunities are necessary if children are going to develop the language and literacy skills necessary to learn to read.

(4) Evaluations of early education programs demonstrate that compared to children with similar backgrounds who have not participated in early education programs, children participating in such programs—

(A) perform better on reading and mathematics achievement tests;

(B) are more likely to stay academically near their grade level and make normal academic progress throughout elementary school;

(C) are less likely to be held back a grade on required special education services in elementary school;

(D) show greater learning retention, initia
tivity, and self-esteem, and are more enthusiastic about school and are more likely to have good attendance records; and

(E) demonstrate that compared to children with similar backgrounds who have not participated in early education programs, children who participate in such programs perform better on reading and math tests, are more likely to make normal academic progress throughout elementary school, show greater initiative, and are more enthusiastic about school.

(5) Studies have estimated that for every dollar invested in quality early education, about 7 dollars are saved in later costs.

SEC. 3. EARLY EDUCATION.

Titl e X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6001 et seq.) is amended by adding at the end the following:

"PART L—EARLY EDUCATION

SEC. 10995. EARLY EDUCATION.

(a) DEFINITION OF EARLY EDUCATION.—In this part the term ‘early education’ means

"(1) in general.—The Secretary is author
dized to award grants to not less than 10 State educational agencies to enable the State educational agencies to expand the existing education system to include early education for all children.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is author
dized to award grants to not less than 10 State educational agencies to enable the State educational agencies to expand the existing education system with programs that provide early education.

(2) MATCHING REQUIREMENT.—The amount provided to a State educational agency under paragraph (1) shall not exceed 50 percent of the cost of early literacy and numeracy training among young children by helping State educational agencies expand the existing education system to include early education for all children.

(3) REQUIREMENTS.—Each program as
tated under this section—

(A) shall be carried out by or one or more local educational agencies, as selected by the State educational agency;

(B) shall be carried out by or one or more local educational agencies, as selected by the State educational agency;

(C) shall be available to all children served by a local educational agency carrying out the program; and

(D) shall only be carried out by instructors who are licensed or certified in accordance with applicable State law.

SEC. 3. EARLY EDUCATION.

(5) No preemption of section 337. Nothing in this section preempts section 337 of this Act.

(6) Interim qualification.

(7) Studies have estimated that for every dollar invested in quality early education, about 7 dollars are saved in later costs.

- - -
Mr. HARKIN. Mr. President, recently, the International Labor Organization—ILO—released a very grim report about the number of children who toil away in abhorrent conditions. The ILO estimates that over two hundred and fifty million children worldwide under the age of 15 are working instead of receiving a basic education. Many of these children begin working in factories at the age of 6 or 7, some even younger. They are poor, malnourished, and often forced to work 60-hour weeks for little or no pay.

Now when I speak about child labor, I am not talking about 17 year-olds helping out on the farm or running errands after school. I am speaking about children as young as 5 and 6 years old, who are forced to work long hours in hazardous and dangerous conditions many as slaves instead of going to school.

On September 23, 1993, the Senate appropriately put itself on record as expressing its principled opposition to the abhorrent practice of exploiting children for commercial gain and asserting that it should be the policy of the United States to prohibit the importation of goods made under the use of abusive and exploitative child labor by passing a Sense of the Senate Resolution I introduced. In my view, this was the first step toward ending child labor.

American consumers, whether in Moines or Dallas or Detroit may say, “What does this have to do with us?” It is quite simple. By protecting the rights of workers everywhere, we will be protecting jobs and opportunities here at home. A U.S. worker cannot compete with a 12 year old working 12 hours a day for 12 cents.

In 1998, the United States imported almost 50 percent of the wearing apparel sold in this country and the garment industry netted $34 billion. According to the Department of Commerce, last year, the United States imported $49.1 million pairs of athletic footwear and produced only 65.3 million here at home.

As I have traveled around the country and spoken with people about this issue of abusive and exploitative child labor, I have found that consumers—ordinary Americans—want to get involved. They want information. They want to know if the products they are buying are made by children.

According to a survey sponsored by Marymount University, more than three out of four Americans said they would avoid shopping at stores if they were aware that the good sold there were made by exploitative child labor. The survey said that they would be willing to pay an extra $1 on a $20 garment if it were guaranteed to be made under legitimate circumstances.

Mr. President it is obvious that consumers don’t want to reward companies with their hard earned dollars by buying products made with abusive and exploitative child labor. I am pleased to say that recently there has been promising action to that end.

Mr. President, when the private sector decides to take speak up—it certainly can make a difference. In Bangladesh, the Bangladesh Garment Manufacturers and Exporters Association has agreed to work with the International Labor Organization to take children out of the garment factories and put them into school—where they belong. As of May 1999, more than 353 schools for former child workers have opened, serving nearly 10,000 children. So, if we can do it in Bangladesh, then we can do it elsewhere.

Mr. President, let me be clear, companies can choose to use the label or not. This bill is aimed at the government telling the private sector what to do. This bill is centered around this fundamental principle: Let the Buyer Be Aware. This “Truth in Labeling” initiative is based on the principle that a fully informed American consumer will make the right, and moral, choice and vote against abusive and exploitative child labor with their pocketbook.

We have seen such an approach work effectively with the Rugmark label for hand-knotted carpets from India. It is operating in some European countries. Consumers who want to buy child labor-free carpets can just look for the Rugmark label. I visited the Rugmark headquarters in New Delhi, India last year.

Mr. President, the progress that has been made on eradicating abusive and exploitative child labor is irreversible.
Therefore we must continue to move forward. And I believe my bill allows us to do just that. It allows the consumer to know more about the products they buy and give companies that use the label the recognition they deserve.

Our nation began this century by working to end child labor, an abusive and exploitative child labor in America, let us close this century by ending child labor around the world. I urge my colleagues to support this legislation.

I ask unanimous consent that a copy of my statement be printed in the RECORD.

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

S. 1549

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 “Child Labor Free Consumer Information Act of 1999”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Secretary of Labor has conducted at least 5 detailed studies that document the fact that abusive and exploitative child labor exists worldwide;

(2) the Secretary of Labor has also determined, through the studies referred to in paragraph (1), that child laborers are often forced to work beyond their physical capacities or under conditions that threaten their health, safety, and development, and are denied basic educational opportunities;

(3) in most instances, countries that have abusive and exploitative child labor also experience a high adult unemployment rate;

(4) the International Labor Organization (commonly known as the “ILO”) in 1991 estimated that—

(A) approximately 250,000,000 children who are ages 5 through 14 are working in developing countries; and

(B) many of those children manufacture wearing apparel or sporting goods that are offered for sale in the United States;

(5) consumers in the United States spend billions of dollars each year on wearing apparel and sporting goods;

(6) consumers in the United States have the right to information on whether the articles of wearing apparel (including any section of that wearing apparel) or sporting goods, that they purchase are made without abusive and exploitative child labor;

(7) the rugmark labeling and monitoring system is a successful model for eliminating abusive and exploitative child labor in the rug industry;

(8) the labeling of wearing apparel or sporting goods would provide the information referred to in paragraph (6) to consumers; and

(9) it is important to recognize United States businesses that have effective programs to ensure that products sold in the United States are not made with abusive and exploitative child labor.

TITLE I—CHILD LABOR FREE LABELING STANDARDS

SEC. 101. CHILD LABOR FREE LABELING STANDARDS.

(a) ESTABLISHMENT OF LABELING STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary of Labor, in consultation with the Child Labor Free Commission established under section 201, shall issue regulations to ensure that a label using the terms “Not Made With Child Labor”, “Child Labor Free”, or any other term or symbol referring to child labor does not make a false statement or suggestion that an article or section of wearing apparel or sporting good was not made with child labor. The regulations developed under subparagraph (A) shall include the use of an easily identifiable symbol or term indicating that the article or section of wearing apparel or sporting good was not made with child labor.

(2) NOTIFICATION ON USE.—

(A) IN GENERAL.—A producer, importer, exporter, distributor, or other person intending to use any label referred to in paragraph (1) shall submit a notification to the Commission for review under subparagraph (C).

(B) NOTIFICATION.—The notification referred to in subparagraph (A) shall include the following information concerning the source of the article or section of wearing apparel or sporting good to which the label will be affixed, including information on—

(i) the country in which the article or section of wearing apparel or sporting good is manufactured;

(ii) the name and location of the manufacturer; and

(iii) any outsourcing by the manufacturer in the manufacture of the article or section of wearing apparel or sporting good.

(C) REVIEW OF NOTIFICATION.—Upon receipt of the notification, the Commission shall review the notification and inform the Secretary of Labor whether the labeling of the review. The permission of the Secretary of Labor shall be required for the use of the label. The Secretary of Labor, in consultation with the Commission, shall establish procedures for granting permission to use a label under this subparagraph.

(3) FEE.—The Secretary of Labor is authorized to charge a fee to cover the expenses of the Commission in reviewing a notification under paragraph (2). The level of fees charged under this paragraph shall not exceed the administrative costs incurred in reviewing a notification. Fees collected under this paragraph shall be available to the Secretary of Labor for expenses incurred in the review and response of the Commission under this subsection.

(b) VIOLATION OF SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT.—

(1) IN GENERAL.—A producer, importer, exporter, distributor, or seller of any article or section of wearing apparel or sporting goods that is exported from or of the United States for any producer, importer, exporter, distributor, or seller of any article or section of wearing apparel or sporting goods that is exported from or of the United States—

(A) an article or section of wearing apparel or sporting good that is exported from or of the United States;

(B) any packaging for an article or section of wearing apparel or sporting good referred to in subparagraph (A); or

(C) any advertising for an article or section of wearing apparel or sporting good referred to in subparagraph (A).

(2) EFFECTIVE DATE.—The regulations issued under paragraph (1) shall take effect on the date that is 180 days after the date of publication of the final regulations.

(3) VIOLATION OF SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT.—It is a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any producer, importer, exporter, distributor, or seller of any article or section of wearing apparel or sporting good that is exported from or of the United States—

(1) to falsely indicate on the label of that article or section of wearing apparel or sporting good, the packaging of the article or section of wearing apparel or sporting good, or any advertising for that article or section of wearing apparel or sporting good, that the article or section of wearing apparel or sporting good was not made with child labor; or

(2) to otherwise falsely claim or suggest that the article or section of wearing apparel or sporting good was not made with child labor.

(c) AMENDMENT TO THE FEDERAL TRADE COMMISSION ACT.—Section 5(m)(1) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)) is amended—

(1) by striking “The Commission” and inserting “Except as provided in subparagraph (D), the Commission”; and

(2) by adding at the end the following new subparagraph:

“(D)(1) In lieu of the applicable civil penalty under subparagraph (A) or (B), in any case in which the Commission determines that a civil action for a violation of section 101 of the Child Labor Free Consumer Information Act of 1999 under subparagraph (A), under subparagraph (B) for an unfair or deceptive practice that is considered to be a violation of this section by reason of section 101(b) of such Act, or under subparagraph (C) for a continuing failure that is considered to be a violation of this section by reason of section 101(b) of such Act, if that violation—

(‘‘(aa) is a knowing or willful violation, the amount of a civil penalty for the violation shall be determined under clause (ii); or

(‘‘(bb) is not a knowing or willful violation, no penalty shall be assessed against the person, partnership, or corporation that committed the violation.

(‘‘II) For purposes of this subparagraph, if in an action referred to in subclause (I), the Commission determines that a violation is a knowing and willful violation, the defendant shall bear the burden of proving otherwise.

(‘‘II) The amount of a civil penalty for a violation under clause (i)(aa) that is committed shall be—

(‘‘(I) for an initial violation, an amount equal to the greater of—

(a) 2 times the retail value of the articles of wearing apparel or sporting goods mislabeled; or

(b) $200,000; and

(‘‘(II) for any subsequent violation, an amount equal to the greater of—

(a) 4 times the retail value of the articles of wearing apparel or sporting goods mislabeled; or

(b) $400,000.”’’.

(d) SPECIAL FUND TO ASSIST CHILDREN.—

(1) CREATION OF FUND.—There is established in the United States Treasury a special fund to be known as the “Free the Children Fund”.

(2) TRANSFERS INTO FUND.—There are appropriated to the special fund amounts equivalent to the penalties collected under this section (including the amendments made by this section). The Secretary of the Treasury shall, upon request of the Secretaries of Labor and/or other programs described in paragraph (3).

(e) OTHER INDUSTRIES.—The Commission may, as appropriate, develop labeling standards similar to the labeling standards developed under this section for any industry that is not otherwise covered under this Act and recommend to the Secretary of Labor that those standards be promulgated. If the standards are promulgated by the Secretary of Labor—

(1) the provisions of this Act and the amendments made by this Act shall apply to the labeling covered by those standards in the same manner as the labeling standards promulgated by the Secretary of Labor under this section; and

(2) the Secretary of Labor shall”—
(2) it shall be a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any producer, importer, exporter, distributor, or seller of any good that is covered under such section and that is found from or offered for sale in the United States—

(A) to falsely indicate on the label of that good, a package of the good, a container, or any related advertising that the good was not made with child labor; or

(B) to otherwise falsely claim or suggest that the good was not made with child labor.

SEC. 102. REVIEW OF PETITIONS BY THE CHILD LABOR FREE COMMISSION.

(a) In General.—In addition to the procedures established under section 5 of the Federal Trade Commission Act (15 U.S.C. 45), the Child Labor Free Commission established under section 201 shall assist the Federal Trade Commission by reviewing petitions under this section.

(b) CONTENTS OF PETITIONS.—A petition under this section shall—

(1) be submitted in such form and in such manner as the Federal Trade Commission, in consultation with the Secretary of Labor and the Child Labor Free Commission, shall prescribe;

(2) contain the name of—

(A) the petitioner; and

(B) person or entity involved in the alleged violation of the labeling standards under section 101; and

(3) provide a detailed explanation of the alleged violation, including all available evidence.

(c) REVIEW BY COMMISSION.—

(1) IN GENERAL.—The Commission shall, to the maximum extent practicable, not later than 90 days after receiving a petition, review the petition to determine whether there appears to have been a violation of the labeling standards.

(2) DUTIES OF THE SECRETARY OF LABOR.—The Secretary of Labor shall—

(A) receive, review, and make recommendations and, if appropriate, notify the Federal Trade Commission of the action and the reason for the action.

(B) ORDER TO CEASE AND DESIST.—If the Federal Trade Commission concurs with a determination of the Child Labor Free Commission in the report referred to in subparagraph (A) that a violation of the labeling standards promulgated under section 101 has occurred, the Secretary of Labor may temporarily withdraw the permission granted under section 201(c) and, if appropriate, notify the Federal Trade Commission of the action and the reason for the action.

(2) TEMPORARY WITHDRAWAL OF PERMISSION; ORDER TO CEASE AND DESIST.—

(A) IN GENERAL.—If the Secretary of Labor determines, on the basis of the report referred to in paragraph (1), that there is a substantial likelihood that a violation of the labeling standards promulgated under section 101 has occurred, the Secretary of Labor may temporarily withdraw the permission granted under section 201(c) and, if appropriate, notify the Federal Trade Commission of the action and the reason for the action.

(B) ORDER TO CEASE AND DESIST.—If the Federal Trade Commission concurs with a determination of the Child Labor Free Commission in the report referred to in subparagraph (A) that a violation of the labeling standards promulgated under section 101 has occurred, the Secretary of Labor shall take such action as may be necessary under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to cause the person or entity in violation of the labeling standards under section 101 to cease and desist from violating those standards immediately.

TITLE II—CHILD LABOR FREE COMMISSION

SEC. 201. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Child Labor Free Commission”.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 17 members, of whom—

(A) 1 shall be the Secretary of Commerce or a designee of the Secretary of Commerce;

(B) 1 shall be the Secretary of the Treasury or a designee of the Secretary of the Treasury;

(C) 1 shall be the United States Trade Representative or a designee of the United States Trade Representative;

(D) 1 shall be the Secretary of Labor or a designee of the Secretary of Labor, who shall serve as the Chairperson of the Commission;

(E) 3 shall be representatives of nongovernmental organizations that work toward the eradication of abusive and exploitative child labor and the promotion of human rights, appointed by the Commission;

(F) 3 shall be representatives of labor organizations, appointed by the Secretary of Labor;

(G) 3 shall be representatives of the apparel industry, appointed by the Secretary of Labor;

(H) 3 shall be representatives of the sporting goods industry, appointed by the Secretary of Labor; and

(I) 1 additional member shall be appointed by the Secretary of Labor.

(2) DUTIES.—The duties of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member of the Commission shall serve for a term of 4 years, except that in appointing the initial members of the Commission, the Secretary of Labor shall stagger the terms of the members who are not officers or employees of the United States.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or at the request of a majority of the members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings or other meetings.

SEC. 202. DUTIES OF THE COMMISSION.

The Commission shall—

(1) assist the Secretary of Labor in developing labeling standards under section 101;

(2) assist the Secretary of Labor in developing and implementing a system to ensure compliance with the labeling standards established under section 101;

(A) receiving, reviewing, and making recommendations for the resolution of petitions received under section 102 that allege non-compliance with labeling standards under section 101;

(B) making recommendations to the Secretary of Labor for the removal of labels substandard under this section, or failing to determine whether labels that are found to be in violation of those standards;
by companies to ensure that products made, sold, or distributed by those companies are not made with abusive and exploitative child labor.

TITLE IV—DEFINITIONS

SEC. 401. DEFINITIONS.

In this Act:

(1) CHILD.—The term "child" means—

(A) an individual who has not attained the age of 15 years, as measured by the Julian calendar; or

(B) an individual who has not attained the age of 14 years, as measured by the Julian calendar, in the case of an individual who resides in a country that, by law, defines a child as such an individual.

(2) COMMISSION.—The term "Commission" means the Child Labor Free Commission established under section 201.

(3) LABEL.—The term "label" means a display of written, printed, or graphic matter on or affixed to an article of wearing apparel or a sporting good or on the packaging of the article or a sporting good that meets the standards described in section 101(a).

(4) MADE WITH CHILD LABOR.—In general.—A manufactured article or section of wearing apparel or a sporting good shall be considered to have been made with child labor if—

(i) it was fabricated, assembled, or processed in whole or in part by a child as such an individual.

(ii) contains any part that was fabricated, assembled, or processed in whole in part, by any child described in subparagraph (B).

(B) COVERED CHILDREN.—A child is described in subparagraph (B) if that child—

(i) was fabricated, assembled, or processed in whole or in part, by a child described in subparagraph (A).

(ii) under circumstances that the Secretary of Labor considers to be abusive or exploitative;

(iii) under circumstances tantamount to involuntary servitude;

(iv) under circumstances that result in the child's being deprived of basic educational opportunities.

(vi) working conditions that result in the child's being deprived of basic educational opportunities.

(vi) working conditions that result in the child's being deprived of basic educational opportunities.

(5) PRODUCER.—The term "producer" includes a contractor or subcontractor of a manufacturer of all or part of a good.

(6) SPORTING GOOD.—The term "sporting good" shall have the meaning provided by section 101(b).

(7) WEARING APPAREL.—The term "wearing apparel" shall have the meaning provided by section 101(c).

SEC. 402. PROHIBITION OF IMPORTATION.

(a) IN GENERAL.—A manufacturer of all or part of a good or a sporting good shall be considered to have been made with child labor if—

(1) the term "made with child labor" has the meaning provided in section 401.

(2) the term "manufactured article or section" has the meaning provided in section 401.

(b) EXEMPTIONS.

(1) SMALL MANUFACTURERS.—No exemption shall be granted under subsection (a)(1) to any manufacturer if—

(i) the term "small manufacturer" has the meaning provided in section 401.

(ii) the manufacturer's annual volume of business is less than $50,000.

(2) TEMPORARY IMPORTATIONS.—The term "importation" does not include a temporary importation.

Mr. HARKIN. Mr. President, today I am introducing legislation which will extend Medicare funding for Community Nursing Organization (CNO) demonstration projects for another three years.

By Mr. WELLSTONE:

S. 1550. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Finance.

LEGISLATION TO EXTEND CERTAIN MEDICARE COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECTS

Mr. WELLSTONE. Mr. President, I am introducing legislation which will extend Medicare funding for Community Nursing Organization (CNO) demonstration projects within the Health Care Financing Administration. These CNO programs are intended to reduce the breakup in the delivery of health care services, to reduce the use of costly emergency care services, and to improve the continuity of home health and ambulatory care for Medicare beneficiaries. CNOs are responsible for providing home health care, case management, outpatient physical and speech therapy, ambulance services, prosthetic devices, durable medical equipment, and any optional HCFA-approved services appropriate to prevent the need to institutionalize Medicare enrollees.

In Minnesota, the Healthy Seniors Project provides seniors with information and services that have provided an extra level of health care and peace of mind. Through various seminars, programs, and other informational services, these seniors have received information on matters affecting their lives specifically as they pertain to senior citizens, as well as information on the services available to help them function and remain in their homes.

These CNO projects are consistent with congressional efforts to introduce a wider range of managed care options to Medicare beneficiaries. Their authorization needs to be extended in order to ensure a fair testing of the CNO managed care concept. We need an extension of this demonstration project to continue to provide an important example of how coordinated care can provide additional benefits without increasing Medicare costs. In addition, we need to further evaluate the impact of the demonstration project on Medicare patients and to assess their capacity for operating under a fixed budget. Finally, this extension will not increase Medicare expenditures. In fact, CNOs actually save Medicare dollars by providing better and more accessible care community nursing organization demonstration projects within the Health Care Financing Administration.

COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECTS

Mr. WILKINSON and Mr. KENNEDY:

S. 1551. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.

CHILD LABOR DETERRENCE ACT OF 1999

Mr. HARKIN. Mr. President, today I am introducing the Child Labor Deterrence Act of 1999.

The ILO report states that at least five tried, including bonded and slave labor. Child slavery of this type is prevalent, more money is spent on legal and financial matters, and the ILO report points out that 40 percent experience serious injuries or illnesses. These practices are often underground, but the ILO report points out that children are still being sold outright for a sum of money. Other times, landlords buy child workers from their tenants, or landlords pay rural families in advance in order to take their children away to work in carpet-weaving, glass manufacturing or prostitution. Child slavery of this type has long been reported in South Asia, South-East Asia and West Africa, despite vigorous official denial of its existence.

Additionally, children are increasingly being bought and sold across national borders by organized networks. The ILO reports that at least five countries, including Vietnam, experience trafficking in children: from Latin America to Europe and the Middle East; from South and South-East Asia to northern Europe and the Middle East; a European regional market; and, a West Africa export market in girls.

In Pakistan, the ILO reported in 1991 that an estimated half of the 50,000 children working as bonded labor in Pakistan's carpet-weaving industry will never reach the age of 12—victims of disease and malnutrition. I have press reports from India of children freed from virtual slavery in 61 percent of child workers, nearly 153 million children, are found in Asia; 32 percent, or 80 million, are in Africa and 7 percent, or 175 million, live in Latin America. Adult unemployment rates in some nations runs over 20 percent. In Latin America, for example, about one in three workers is unemployed. Furthermore, in many nations where child labor is prevalent, more money is spent and allocated for military expenditures than for education and health services. The situation is as deplorable as it is enormous. In many developing countries children represent a substantial part of the work force and can be found in such industries as rugs, toys, textiles, mining, and sports equipment manufacturing. The ILO estimates that 65% of the wearing apparel that Americans purchase is assembled or manufactured abroad, therefore, increasing the chance that these items were made by abusive and exploitative child labor. In Utah's carpet industry, Pakistan produces 95% of their rugs for export. Some of the worst abuses of child labor have been documented in these countries, including bonded and slave labor.

Children may also be crippled physically and mentally by being forced to work, often under the age of 12, for hours on end in order to take their children away to work in carpet-weaving, glass manufacturing or prostitution. Child slavery of this type has long been reported in South Asia, South-East Asia and West Africa, despite vigorous official denial of its existence.

By Mr. HARKIN (for himself, Mr. HARKIN, Mr. DION, Mr. LEVIN, Ms. MUKULSKY, and Mr. KENNEDY):

S. 1551. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.
the carpet factories of northern India. Twelve-year-old Charitra Chowdhary recounted his story—he said, "If we moved slowly we were beaten on our backs with a stick. We wanted to run away but the doors were always locked.

Mr. President, that’s what this bill is about, children, whose dreams and childhood are being sold for a pitance—to factor owners and in markets around the globe.

It’s about protecting children around the globe and their future. It’s about eliminating a major form of child abuse in our world. It’s about breaking the cycle of poverty by getting these kids out of factories and into schools. It’s about raising the standard of living in the Third World so we can compete on the quality of goods instead of the misery and suffering of those who make them. It’s about assisting Third World governments to enforce their laws by ending the role of the United States in providing a lucrative market for goods made by abusive and exploitative child labor and encouraging other nations to do the same.

Mr. President, unless the economic exploitation of children is eliminated, the potential for future generations will forever be lost to the factory floor.

Mr. President, the Child Labor Deterrence Act of 1999 is intended to strengthen existing U.S. trade laws and help Third World countries enforce their child labor laws. The bill directs the U.S. Secretary of Labor to compile and maintain a list of foreign industries and their respective host countries that use child labor in the production of exports to the United States. Once the Secretary of Labor identifies a foreign industry, the Secretary of the Treasury is instructed to prohibit the importation of a product from an identified industry. The entry ban would not apply if a U.S. importer signs a certificate of origin affirming that products made by abusive and exploitative child labor are not produced by child labor.

Mr. President, I urge my colleagues to support this legislation. I ask unanimous consent that a copy of my bill be printed into the RECORD.

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

S. 1351

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 "Child Labor Deterrence Act of 1999."

SEC. 2. FINDINGS; PURPOSE; POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Principle 9 of the Declaration of the Rights of the Child proclaimed by the General Assembly of the United Nations on November 20, 1959, states that "... the child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development."

(2) Article 2 of the International Labor Convention No. 18 Concerning Minimum Age for Admission to Employment states that "The minimum age specified in pursuance of paragraph 1 of this article shall not be less than the age of compulsory schooling and, in any case, shall not be less than 15 years."

(3) The new International Labor Convention addressing the worst forms of child labor calls on member States to take immediate and effective action to prohibit and eliminate such labor. According to the convention, the worst forms of child labor are—

(A) slavery;

(B) debt bondage;

(C) forced or compulsory labor;

(D) the sale or trafficking of children, including the forced or compulsory recruitment of children for use in armed conflict;

(E) child prostitution;

(F) the use of children in the production and trafficking of narcotics; and

(G) any other work that, by its nature or de facto circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

(4) According to the International Labor Organization, an estimated 250,000,000 children under the age of 15 worldwide are working, many of them in dangerous industries like mining and fireworks.

(5) Children under the age of 15 constitute approximately 22 percent of the workforce in some Asian countries, 41 percent of the workforce in parts of Africa, and 17 percent of the workforce in many countries in Latin America.

(6) The number of children under the age of 15 who are working, and the scale of their worst forms of exploitation, despite the existence of more than 20 International Labor Organization conventions on child labor and national laws in many countries which purportedly prohibit the employment of under age children.

(7) In many countries, children under the age of 15 work out of lack of alternative economic opportunities or means to protect themselves from exploitation in the workplace.

(8) The prevalence of child labor in many developing countries is rooted in widespread poverty that is attributable to unemployment and underemployment, precarious incomes, low living standards, and insufficient education and training opportunities among adult workers.

(9) The employment of children under the age of 15 commonly deprives the children of the opportunity for basic education and also denies gainful employment to millions of adults.

(10) The employment of children under the age of 15, often at perilously low wages, undermines the stability of families and ignores the importance of increasing jobs, aggregated demand, and purchasing power among adults as a catalyst to the development of internal markets and the achievement of broadbased, self-reliant economic development in many developing countries.

(11) United Nations Children’s Fund (commonly known as UNICEF) estimates that by the year 2000, over 1,000,000 adults will be unable to read or write at a basic level because such adults were forced to work as children and were thus unable to devote the time to secure a basic education.

(b) PURPOSE. The purpose of this Act is to curtail the employment of children under the age of 15 in the production of goods for export by—the elimination of the role of the United States in providing a market for foreign products made by such children;

(2) supporting activities and programs to expand primary education, rehabilitation, and alternative skills training to child workers, to improve birth registration, and to improve the scope and quality of statistical information on the commercial and trafficking of narcotics; and

(3) any other work that, by its nature or de facto circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.
(3) encouraging other nations to join in a ban on trade in products described in paragraph (1) and to support those activities and programs described in paragraph (2).

(c) Policy.—It is the policy of the United States—

(1) to actively discourage the employment of children under the age of 15 in the production of goods for export or domestic consumption;

(2) to strengthen and supplement international trading rules with a view to ridding the world of under age children in the production of goods for export as a means of competing in international trade;

(3) to amend Federal law to prohibit the entry of products originating from the labor of under age children; and

(4) to offer assistance to foreign countries to improve the enforcement of national laws prohibiting the employment of children under the age of 15 and to increase assistance to alleviate the underlying poverty that is often the cause of the international exploitation of such children. 

SEC. 3. UNITED STATES INITIATIVE TO CURTAIL INTERNATIONAL TRADE IN PRODUCTS OF CHILD LABOR.

In pursuit of the policy set forth in this Act, the President is urged to seek an agreement with the government of each country that conducts trade with the United States for the purpose of terminating an international ban on trade in products of child labor.

SEC. 4. DEFINITIONS.

In this Act:

(1) CHILD.—The term “child” means—

(A) an individual who has not attained the age of 15, as measured by the Julian calendar; or

(B) an individual who has not attained the age of 14, as measured by the Julian calendar, in the case of a country identified under section 5 whose national laws define a child in such a manner.

(2) EFFECTIVE IDENTIFICATION PERIOD.—The term “effective identification period” means, with respect to a foreign industry or host country, the period that—

(A) begins on the date of that issue of the Federal Register in which the identification of the foreign industry or host country is published under section 5(e)(A); and

(B) terminates on the date of that issue of the Federal Register in which the revocation of the identification referred to in subparagraph (A) is published under section 5(e)(1)(B).

(3) ENTERED.—The term “entered” means entered, or withdrawn from a warehouse for consumption, in the customs territory of the United States.

(4) EXTRACTION.—The term “extraction” includes mining, quarrying, pumping, and other means of extraction.

(5) FOREIGN INDUSTRY.—The term “foreign industry” includes any entity that produces, manufactures, assembles, processes, or extracts a product.

(6) HOST COUNTRY.—The term “host country” means any foreign country, and any possession or territory of a foreign country that is administered separately for customs purposes (including any designated zone within such country, possession, or territory) in which a foreign industry is located.

(7) MANUFACTURED ARTICLE.—The term “manufactured article” means any good that is fabricated, assembled, or processed. The term also includes any mineral resource (including oil and gas) that is entered in a crude state. Any mineral resource that at entry has been subjected to only washing, crushing, grinding, powdering, levigation, sifting, or other concentration by flotation, magnetic separation, or other mechanical or physical processes shall be treated as having been processed for the purposes of this Act.

(8) PRODUCTS OF CHILD LABOR.—An article shall be treated as being a product of child labor if, with respect to the article, a child was engaged in the manufacture, fabrication, assembly, processing, or extraction, in whole or in part.

(9) SECRETARY.—The term “Secretary”, except for purposes of section 5, means the Secretary of the Treasury.

SEC. 5. IDENTIFICATION OF FOREIGN INDUSTRIES AND THEIR RESPECTIVE HOST COUNTRIES THAT UTILIZE CHILD LABOR IN EXPORT OF GOODS.

(a) IDENTIFICATION OF INDUSTRIES AND HOST COUNTRIES.

(1) IN GENERAL.—The Secretary of Labor (in this section referred to as the “Secretary”) shall undertake a review, using all available information, including information made available by the International Labor Organization and human rights organizations related to child labor, of the first such review to be undertaken not later than 180 days after the date of enactment of this Act, to identify any foreign industry that—

(A) does not comply with applicable national laws prohibiting child labor in the workplace;

(B) utilizes child labor in connection with products that are exported; and

(C) has a continuing basis exported products of child labor to the United States.

(2) TREATMENT OF IDENTIFICATION.—For purposes of this Act, the identification of a foreign industry shall be treated as also being an identification of the host country.

(b) PETITIONS REQUESTING IDENTIFICATION.

(1) FILING.—Any person may file a petition with the Secretary requesting that a particular foreign industry and its host country (as identified under subsection (a)) be identified.

(2) ACTION ON RECEIPT OF PETITION.—Not later than 90 days after receiving a petition under paragraph (1), the Secretary shall—

(A) decide whether or not the allegations in the petition warrant further action by the Secretary in regard to the foreign industry and its host country under subsection (a); and

(B) notify the petitioner of the decision under subparagraph (A) and the facts and reasons supporting the decision.

(c) CONSULTATION AND COMMENT.—Before identifying a foreign industry and its host country under subsection (a), the Secretary shall—

(1) consult with the United States Trade Representative, the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury regarding such action;

(2) hold at least 1 public hearing within a reasonable time for the receipt of oral comment from the public regarding such a proposed identification; and

(3) publish notice in the Federal Register.

(d) PUBLICATION.—The Secretary shall—

(1) promptly publish in the Federal Register—

(A) the name of each foreign industry and its host country identified under subsection (a);

(B) the text of the decision made under subsection (b)(2)(A) and a statement of the facts and reasons supporting the decision; and

(C) the name of each foreign industry and its host country with respect to which an identification has been revoked under subsection (d); and

(2) maintain and publish the Federal Register a current list of all foreign industries and their respective host countries identified under subsection (a).

SEC. 6. PROHIBITION ON ENTRY.

(a) PROHIBITION.

(1) IN GENERAL.—Except as provided in paragraph (2), during the effective identification period for a foreign industry and its host country (as identified under paragraph (1)), no article of foreign industry may be entered into the customs territory of the United States.

(2) EXCEPTION.—Paragraph (1) shall not apply to the entry of any article—

(A) for which a certification that meets the requirements of section 5(e)(1) is provided; and

(B) that was exported from the foreign industry and its host country, and was en route to the United States before the first day of the effective identification period for such industry and its host country.

(b) CERTIFICATION THAT ARTICLE IS NOT A PRODUCT OF CHILD LABOR.

(1) FORM AND CONTENT.—The Secretary shall prescribe the form and content of the certification that is required for submission in connection with the entry of an article, that satisfies the requirements of subsection (a).
steps to ensure, to the extent practicable, that the article is not a product of child labor; and
(2) **REASONABLE STEPS**—For purposes of paragraphs (1), reasonable steps include—
(A) in the case of the exporter of an article in the host country—
(i) having entered into a contract, with an organization described in paragraph (4) in that country, providing for the inspection of the foreign industry’s facilities for the purpose of certifying that the article is not a product of child labor, and affixing a label, protected under the copyright or trademark laws of the host country, that contains such certification; and
(ii) having inserted to the article a label described in clause (1); and
(B) in the case of the importer of an article into the customs territory of the United States, having required the certification and label described in subparagraph (A) and setting forth the terms and conditions of the acquisition or provision of the imported article;
(3) **WRITTEN EVIDENCE**.—The documentation required by the Secretary under paragraph (1) shall include written evidence that the reasonable steps set forth in paragraph (2) have been taken.
(4) **CERTIFYING ORGANIZATIONS**.—
(A) **IN GENERAL**.—The Secretary shall compile a list of independent, internationally credible organizations, in each host country identified under section 5, that have been established for the purpose of—
(i) conducting inspections of foreign industries,
(ii) certifying that articles to be exported from that country are not products of child labor, and
(iii) labeling the articles in accordance with paragraph (2)(A); and
(B) **ORGANIZATION**.—Each certifying organization shall consist of representatives of nongovernmental child welfare organizations, manufacturers, exporters, and neutral international organizations.

**SEC. 7. PENALTIES.**

(a) **UNLAWFUL ACTS**.—It shall be unlawful, during the effective identification period applicable to a foreign industry and its host country—
(1) to attempt to enter any article that is a product of that industry if the entry is prohibited under section 6(a)(1); or
(2) to violate any regulation prescribed under section 8.
(b) **CIVIL PENALTY**.—Any person who commits an unlawful act set forth in subsection (a) shall be liable for a civil penalty not to exceed $25,000.
(c) **CRIMINAL PENALTY**.—In addition to being liable for a civil penalty under subsection (b), any person who intentionally commits an unlawful act set forth in subsection (a) shall be, upon conviction, liable for a fine of not less than $100,000 and not more than $350,000, or imprisonment for 1 year, or both.
(d) **CONSTRUCTION**.—The unlawful acts set forth in subsection (a) shall be treated as violations of the customs laws for purposes of applying the enforcement provisions of the Tariff Act of 1930 (19 U.S.C. 1332 et seq.), including—
(1) the search, seizure, and forfeiture provisions;
(2) section 592 (relating to penalties for entry by fraud, gross negligence, or negligence); and
(3) section 619 (relating to compensation to information sources).

**SEC. 8. REGULATIONS.**
The Secretary shall prescribe regulations to carry out the provisions of this Act.
members. That provision was Section 377, and is now, unfortunately, the law of the land.

Mr. President, as I stated earlier, my legislation would repeal Section 377 of the Illegal Immigration Reform and Responsibility Act of 1996. This course of action is critical for it would allow those immigrants who satisfy the specified criteria to financially support themselves and their families through legal employment while they seek legalized status.

In order to ensure that the Immigration and Naturalization Service implements the legalization program mandated by the Congress in 1986, my legislation would change the date of registry from 1973 to 1984. Those immigrants would have, quite simply, just made sense. We changed the date in 1986 because we recognized that undocumented immigrants who had been in the United States continuously for more than fifteen years were highly unlikely to leave. Furthermore, illegal, undocumented immigrants do not pay their fair share of taxes. This precisely the rationale considered by the 99th Congress when it debated and passed the Immigration Reform and Control Act of 1986; legislation intentionally circumvented by the INS.

Finally, Mr. President, my legislation would extend the date of registry through 1990 for a narrow class of persons who have been subjected to fraudulent or illegal activity on the part of INS employees. This aspect of my bill is very important to the immigrant community in Nevada as several local INS officials have been convicted, indicted and/or accused of illegal activity in the process of granting or denying benefits to immigrants.

Mr. President, I don’t pretend that my legislation will solve all the problems of our immigration and legalization procedures. However, there comes a time when a strong, moral government of the people must make every effort to correct the mistakes of the past. My legislation simply recognizes that the United States government, through the Immigration and Naturalization Services, made some serious errors which, in the name of due process and fundamental fairness, must be remedied.

By Mr. DOMENICI (for himself and Mr. KENNEDY):
S. 1555. A bill to provide sufficient funds for the research necessary to enable an effective public health approach to the problems of youth suicide and violence, and to develop ways to intervene early and effectively with children and adolescents who suffer depression or other mental illness, so as to avoid the tragedy of suicide, violence, and longterm illness and disability; and for other purposes.

Mr. DOMENICI. Mr. President, I rise today with great pleasure to introduce the 'Public Health Response to Youth Suicide and Violence Act of 1999.' I would also like to thank my colleague Senator KENNEDY for joining me as a co-sponsor of this legislation.

All too often we read in the paper or see on TV another tragedy involving our children. These stories about violence, death, and suicide have become all too familiar and commonplace in our nation. Unfortunately, the children who commit these acts often suffer from a mental illness.

As I have explained many times before the human brain is the organ of the mind and just like the other organs of our body, it is subject to illness. And just as illnesses to our other organs require treatment, so too do illnesses of the brain.

And while we have learned so much more about mental illness and medical science can accurately diagnosis mental illnesses and treat those afflicted, the same cannot be said for children and adolescents. Unfortunately, we still know very little about the causes of mental illness in children and adolescents and moreover, the appropriate treatment for these illnesses.

Before I proceed there is one thing I want to make absolutely clear. I am not for one minute saying we should lessen our focus on law enforcement or incarceration of convicted offenders. Instead, I am simply saying we might be able to prevent some of the tragedies if we knew more about the cause and appropriate treatment for mental illness in children and adolescents.

Today, suicide is the 3rd leading cause of death among individuals between the age of 15 to 24 and the 4th leading cause of death in those 10 to 14 years of age. Estimates show about 1 in 10 children and adolescents suffer from a mental illness that is severe enough to cause some level of impairment. Additionally, many parents with a child suffering from mental disorder believe their child will become violent without appropriate treatment.

Beyond the possibility of suicide and violence, children not receiving treatment for mental disorders not only suffer, cannot form healthy relationships with peers or family, but face an increased likelihood of incarceration as juveniles and adults.

I have come to the conclusion that we must make a renewed investment into discovering the cause and the appropriate treatment of mental illness in children and adolescents. Why is it that certain children may be afflicted with a mental illness and others are not? What is the best course of treatment for a child diagnosed with a mental illness?

Everyone acknowledges that there is a critical lack of information in the area of child and adolescent mental illnesses and in particular the causes and appropriate treatment of such illnesses.

With this in mind, I cannot think of a better entity to take the lead in this endeavor to increase our research and understanding of child and adolescent mental illness than the National Institute of Mental Health. The Institute is already at the forefront of mental illness research and I believe it is uniquely qualified to address the connection between mental illness and youth suicide and violence.

The Public Health Response to Youth Suicide and Violence Act of 1999 simply seeks to reduce incidences of youth suicide and violence through increased research by the National Institutes of Mental Health (NIMH) of children and adolescents suffering from depression or other mental illness.

By providing for increased research the Bill addresses a critical lack of knowledge in the area of child and adolescent mental illnesses and in particular the causes and appropriate treatment of such illnesses that often lead to youth suicide and violence.

The Bill authorizes $200 million for FY 2000 to expand and intensify research aimed at better understanding the underlying causes of mental disorders that lead to youth suicide and violence.

The Bill contains mandatory activities to be carried out by the Director of NIMH that include developing research aimed at better understanding the connection between mental illness and in particular the causes and appropriate treatment of such illnesses.

Additionally, the Director of NIMH will work with the Director of the Centers for Disease Control and Prevention and other appropriate agencies to develop a model to train primary care physicians, nurses, school psychologists, teachers, and other responsible individuals about mental disorders in children.

The Bill also contains permissible activities the Director of NIMH may carry out that include examining the potential of public health programs that combine individual, family, and community level interventions to address suicide and violence and to identify related best practices. Additionally, the Director may develop and evaluate programs aimed at prevention, early recognition, and intervention of depression, youth suicide, and violence in diverse school and community settings.
In conclusion, I would simply restate that I believe expanding research to reduce incidences of youth suicide and violence through increased research of children and adolescents suffering from depression or other mental illness is necessary and I would urge my colleagues to support this important piece of legislation.

Mr. President, I ask unanimous consent that a copy of the bill and a summary of the bill be printed in the Record, as follows:

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1555

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 "Public Health Response to Youth Suicide and Violence Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Suicide is the third leading cause of death among individuals between 15 to 24 years of age, following unintentional injuries and homicide, and is the fourth leading cause of death among individuals 14 years of age and younger. Scientific research has found that there are an estimated 8 to 25 attempted suicides to 1 completion, and the strongest risk factors for attempting suicide in youth are depression and alcohol or drug use.

(2) There is a critical need for additional research into the underlying causes of youth violence, suicide, and violence against others. 50 percent of parents with a child suffering from a serious mental disorder believe their child would become violent without appropriate treatment and services.

(3) A public health model should seek to ascertain ways to identify children and adolescents who are depressed or suffering from other mental or emotional disorders that might result in violent behavior against themselves or others, as well as long-term illness disability, and to intervene before that development occurs.

(4) Not enough is known about serious mental disorders in adolescents and children, devastating illnesses which often lead to school failure, suicide, and violence against others. A primary reason for this is the lack of trained scientific investigators in this area of research. It is critical that increased efforts be made to develop the scientific expertise and capability in the area of child mental disorders.

(5) About 1 in 10 children and adolescents suffer from mental illness severe enough to cause some level of impairment, but fewer than 1 in 5 of these children receives treatment. Children who go untreated not only suffer, but face an increased likelihood of eventual incarceration as juveniles and adults.

(6) Prevention of youth suicide and violence requires a long-term commitment to comprehensive, cost effective, and sustainable interventions directed at known risk factors, and to the evaluation of their success in diverse community settings by targeting multiple risk factors that predispose them to suicide, delinquency and violence.

(7) Research is needed concerning the psychotherapeutic and service system treatment of serious mental illness in children as well as barriers to appropriate and effective treatment and services for these children, in the health care and educational systems.

SEC. 3. EXPANSION OF ACTIVITIES.

Subpart 16 of part C of title IV of the Public Health Service Act (42 U.S.C. 265p et seq) is amended by adding at the end the following:

"SEC. 464U-1. EXPANSION OF RESEARCH ACTIVITIES WITH RESPECT TO CHILDREN.

(a) IN GENERAL.—The Director of the National Institute of Mental Health shall use funds authorized [in this section] to carry out activities to expand and intensify research aimed at better understanding the underlying developmental and other causes of mental disorders that lead to youth suicide and violence.

(b) MANDATORY ACTIVITIES.—To carry out the purpose described in subsection (a), the Director of the Agency for Health Care Policy and Research shall:

(1) develop programs that educate investigators who are trained in the area of childhood mental disorders in order to continue the effort to understand the developing brain and mental disorders in children and to strengthen the capacity to ascertain the factors underlying suicide and other violent behavior in youth;

(2) expand support for basic research that has led to a better understanding of the structure, function and circuitry of the brain, and which promises to yield even more understanding as neuroimaging techniques become even more sophisticated;

(3) carry out activities to further encourage research aimed at better understanding the relationship between mental disorders and violence in children and to strengthen the capacity to ascertain the factors underlying suicide and other violent behavior in youth;

(4) in order to address the major problem of lack of recognition of mental disorders, and to ensure appropriate diagnosis and treatment, continue to encourage, in collaboration with the Administrator of the Agency for Health Care Policy and Research, where appropriate, the manner in which to effectively disseminate information derived under this paragraph to care-providers in the community;

(5) for the development and evaluation of interventions directed at known risk factors that predispose children to suicide, delinquency and violence.

(c) PERMISSIBLE ACTIVITIES.—To carry out the purpose described in subsection (a), the Director of the Agency for Health Care Policy and Research shall:

(1) in collaboration with the Director of the Centers for Mental Health Services, where appropriate, the manner in which to effectively disseminate information about the best practices to schools and communities concerning the prevention of mental disorders, including schizophrenia, bipolar disorder, and obsessive-compulsive disorder;

(2) expand for each of fiscal years 2001 through 2004..."
Additionally, the Director or NIMH will work with the Director of the Centers for Disease Control and Prevention and other appropriate agencies to develop a model to train health-care providers, school psychologists, teachers, and other responsible individuals about mental disorders in children.

Permissible activities by the Director of NIMH include examining the potential of public health programs that combine individual, family, and community level interventions to address suicide and violence to identify related best practices. Additionally, the Director may carry out activities that develop and evaluate programs aimed at prevention, early recognition, and intervention of depression, youth suicide, and violence in diverse community settings.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator ABRAHAM as a sponsor of the INS Reform and Border Security Act. This legislation will remedy many of the problems that currently plague the Immigration and Naturalization Service. It is the agency's responsibility to ensure that the INS is an efficient, effective, and accountable authority under the law.

The INS Reform and Border Security Act accomplishes these aims. The new immigration will be a major improvement over the current INS. I urge my colleagues to join in supporting the INS Reform and Border Security Act.

By Mr. REED (for himself, Mrs. MURRAY, Mr. KENNEDY, Mr. HARKIN, and Mr. BINGAMAN).

S. 1556. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen the involvement of parents in the education of their children, and for the other purposes; to the Committee on Health, Education, Labor, and Pensions.

PARENTAL ACCOUNTABILITY, RECRUITMENT, AND EDUCATION NATIONAL TRAINING ACT OF 1999

Mr. REED. Mr. President, I rise today to introduce the Parental Accountability, Recruitment, and Education National Training Act (PARENT) Act of 1999, which seeks to increase parental involvement in the educational lives of their children.

Mr. President, research, experience, and reason tell us that providing parents with opportunities to play active roles in their children's school empowers them to help their children excel. When parents are actively involved in their child's education, not only do their own children go further, but their child's school also improves to the benefit of all students. And, as I have witnessed in Rhode Island, and I am sure my colleagues can attest to this in their home states, our best schools are not simply those with the finest teachers and principals, but those which strive to ensure parental involvement in the education of their children.

A recent National PTA survey revealed that 91% of parents recognize the importance of involvement in their children's schools. Unfortunately, even as we extol the virtue of parental involvement, we must recognize that reality falls far short of the goal. The National PTA survey also found that roughly half the parents surveyed felt they were inadequately informed about ways in which to participate in schools, of gain access to basic information about their children's studies and their children's teachers. There are also other obstacles to greater parental involvement, such as working parents who find it difficult to get to school and be involved or parents who have had negative schooling experiences and are wary of entering schools to participate in their children's education.

With 73% of parents favoring a federal effort to help schools get parents more involved with their children's education, the upcoming reauthorization of the Elementary and Secondary Education Act (ESEA) provides an opportunity to help bring schools and parents together, and to ensure parents have the tools to meaningfully and effectively get involved in their children's education. While the ESEA currently contains parental involvement provisions, they mainly apply to Title I schools and students, and not fully implemented.

That is why I am pleased to be joined by Senators MURRAY, KENNEDY, HARKIN, and BINGAMAN, and Representative LYNN WOOLSEY in the other body in introducing the PARENT Act. This legislation would amend the Elementary and Secondary Education Act (ESEA) to bolster existing and add new parental involvement provisions.

The PARENT Act requires that all schools implement effective, research-based parental involvement best practices. It also seeks to improve parental access to information about their children's education and the school's parental involvement policies; ensure that professional development activities provide training to teachers and administrators on how to foster relationships with parents and encourage parental involvement; utilize technology to expand efforts to connect schools and teachers with parents; and promote parental involvement in drug and violence prevention programs.

In addition, the PARENT Act requires any state seeking funding under ESEA to describe, implement, and evaluate parental involvement policies and practices.

To succeed in the endeavor of increasing parental involvement, we must depend on parents, teachers, and school administrators throughout the country to work collaboratively to implement effective programs. However, federal leadership is needed to provide schools, teachers, and parents with the tools adequate to this task.

Mr. President, the proven line of federal support for education is to increase student achievement. Parental involvement is an essential component to ensuring that our students succeed. This legislation is strongly supported by the National PTA, and I urge my colleagues to join Senators MURRAY, KENNEDY, HARKIN, BINGAMAN, and me in supporting the PARENT Act, and working for its inclusion in the ESEA reauthorization.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

The being no objection, bill was ordered to be printed in the RECORD, as follows:

S. 1556

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 "Parental Accountability, Recruitment, and Education National Training Act of 1999". SEC. 2. REFERENCES. Except as otherwise provided in this Act, whenever in this Act an amendment or repeal is expressed in terms of an amendment
Congress makes the following findings:

(1) Parents are the first and most influential child's education is a major factor in determining success in school.

(2) The Federal Government must provide leadership, technical assistance, and financial support to States and local educational agencies, as partners, in helping the agencies implement successful and effective parental involvement policies and programs that lead to improved student achievement.

(3) State and local education officials, as well as teachers, principals, and other staff at the school level, must work as partners with the parents of the children they serve.

(4) Research has documented that, regardless of the economic, ethnic, or cultural background of the family, parental involvement in a child's education is a major factor in determining success in school.

(5) Parental involvement in a child's education contributes to positive outcomes such as improved grades and test scores, higher expectations for student achievement, reduced school attendance, improved homework completion rates, decreased violence and substance abuse, and higher rates of graduation and enrollment in postsecondary education.


SEC. 4. BASIC PROGRAMS.

(a) STATE PLAN.—Section 1111 (20 U.S.C. 6311) is amended—

(1) in subsection (b)(2)(B), by inserting after "involvement" the following: "in accordance with section 1118";

(b) LOCAL EDUCATIONAL AGENCY PLANS.—Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (a), by redesignating paragraphs (b) through (h) as paragraphs (b) through (h), respectively; and

(2) by inserting after subparagraph (e) the following:

"(f) WORK IN CONSULTATION WITH SCHOOLS OF ALL GRADUATION LEVELS.—Each State plan shall include a commitment to meaningful parental involvement in all schools, including schools that serve children from diverse linguistic and cultural backgrounds, and schools that serve children with disabilities and limited English proficiency. The State plan shall include a commitment to ensuring the effective involvement of parents in the education of their children, including parents with limited English proficiency, parents who are not United States citizens, and homeless parents.

"(g) PARENTAL INVOLVEMENT.—Section 1118 (20 U.S.C. 6318) is amended—

(1) by inserting after "involvement" the following: "in accordance with section 1118"; and

(2) in subsection (b)(1), by inserting after the last sentence the following: "Parents shall be notified of the policy in their own language.";

(3) in subsection (e)(1), by striking "participating parents" and inserting "all parents of children served by the school or agency, as appropriate.";

(4) in subsection (g), by adding at the end the following: "Such local educational agencies and schools may use information, technical assistance, and other forms of assistance from the State in establishing";

(5) by adding at the end the following:

"(h) STATE REVIEW.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if such policies and practices are meaningful and targeted to improve home and school communication, student achievement, and parental involvement in school planning, review, and improvement.".

SEC. 5. PROFESSIONAL DEVELOPMENT.

(a) PURPOSES.—Section 2102(c) (20 U.S.C. 6622(c)) is amended—

(1) in paragraph (13), by striking "and" after the semicolon;

(2) in paragraph (14), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(15) the development and dissemination of model programs that teach teachers and administrators how best to work with parents and how to encourage and offer opportunities to get parents involved in their child's education in ways that will foster student achievement and well-being; and"

"(h) includes special training for teachers and administrators to develop the skills necessary to work most effectively with parents.";

(b) AUTHORIZED ACTIVITIES.—Section 2102(c) (20 U.S.C. 6622(c)) is amended—

(1) in paragraph (13), by striking "and" after the semicolon;

(2) in paragraph (14), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(15) the development and dissemination of model programs that teach teachers and administrators how best to work with parents and how to encourage and offer opportunities to get parents involved in their child's education in ways that will foster student achievement and well-being; and"

"(h) includes special training for teachers and administrators to develop the skills necessary to work most effectively with parents.";

(2) by redesigning subparagraph (O) as subparagraph (T); and

(3) by inserting after subparagraph (T) the following:

"(O) describe how the State will train teachers to foster relationships with parents and encourage parents to become collaborators with schools in their children's education; and"

"(T) at all levels of the educational system.";

(c) STATE APPLICATIONS.—Section 2205(b)(2) (20 U.S.C. 6646(b)(2)) is amended—

(1) in subparagraph (N), by striking "and" after the semicolon;

(2) by redesigning subparagraph (O) as subparagraph (P); and

(3) by inserting after subparagraph (N) the following:

"(N) describe how the State will train teachers to foster relationships with parents and encourage parents to become collaborators with schools in their children's education; and"

"(T) at all levels of the educational system.";

(2) by redesigning paragraphs (1) and (2) as (1)(A) and (1)(B), respectively, and

(3) by adding after paragraph (11) the following:

"(12) providing professional development programs that enable teachers, administrative staff, and pupil services staff to effectively communicate with and involve parents in the education process to support..."
(e) LOCAL USES OF FUNDS.—Section 3134 (20 U.S.C. 6844) is amended—
(1) in paragraph (5), by striking “and” after the semicolon;
(2) in paragraph (6), by striking the period and inserting a semicolon; and
(3) by adding at the end the following:
(“I) utilizing technology to develop and expand efforts to help schools and teachers with parents to promote meaningful parental involvement and foster increased communication about curriculum, assignments, and assessments; and
(“J) providing ongoing training and support for parents to help the parents learn and use the technology being applied in their children’s education, so as to equip the parents to reinforce and support their children’s learning.”;
(f) LOCAL APPLICATIONS.—Section 3135 (20 U.S.C. 6845) is amended—
(1) in paragraph (1)(D)—
(A) in clause (i), by striking “and” after the semicolon;
(B) in clause (ii), by inserting “and” after the semicolon; and
(C) by adding at the end the following:
(“I) describing the specific professional development activities designed to enable teachers, administrators, and pupil services personnel to communicate in informative and trained in, the use of technologies, so that the parents will be equipped to reinforce at home the instruction their children received in school;”;
(2) in paragraph (3)—
(A) in subparagraph (A), by striking “and” after the semicolon and
(B) by adding at the end the following:
(“C) improve parental involvement in schools;”;
(3) in paragraph (4)(B), by striking the period and inserting “;”;
(4) by adding at the end the following:
(“6) describe how the local educational agency will use technology to promote parental involvement and increase communication with parents.”;
(g) NATIONAL CHALLENGE GRANTS.—Section 3136(c) (20 U.S.C. 6846(c)) is amended—
(1) in paragraph (4), by striking “and” after the semicolon;
(2) in paragraph (5), by striking the period and inserting “;”;
(3) by adding at the end the following:
(“G) increased parental involvement in the classroom and participation in violence and drug prevention efforts.”;
(h) PART H—PARENTAL INVOLVEMENT
SEC. 7. DRUG-FREE SCHOOLS AND COMMUNITY HEALTH PROGRAMS.
(a) STATE APPLICATIONS.—Section 4112 (20 U.S.C. 7112) is amended—
(1) in subsection (b)—
(A) in paragraph (3), by inserting “, including how the agency will communicate with parents regarding the use of such funds” after “4113(b)”;
(B) in paragraph (4), by inserting “, and how such review will include input from parents” after “4115”; and
(2) in subsection (c)—
(A) in paragraph (3), by striking “and” after the semicolon;
(B) in paragraph (4), by striking the period and inserting “;”;
(2) by adding at the end the following:
(“D) a description of how parents were informed of, and trained in, the use of technologies, so that the parents will be equipped to reinforce at home the instruction their children received in school;”;
(f) LOCAL APPLICATIONS.—Section 3135 (20 U.S.C. 6845) is amended—
(1) in paragraph (1)(D)—
(A) in clause (i), by striking “and” after the semicolon;
(B) in clause (ii), by inserting “and” after the semicolon; and
(C) by adding at the end the following:
(“G) increased parental involvement in the classroom and participation in violence and drug prevention efforts.”;
(g) PART H—PARENTAL INVOLVEMENT
SEC. 8. INNOVATIVE EDUCATION PROGRAM STRATEGIES.
(a) DEFINITION.—Section 6003 (20 U.S.C. 7271) is amended—
(1) by striking “children, and” and
(2) by adding at the end the following:
(“F) a climate that promotes meaningful parental involvement in the classroom and in base activities.”;
(b) STATE APPLICATIONS.—Section 6202(a) (20 U.S.C. 7332(a)) is amended—
(1) in paragraph (6), by striking “and” after the semicolon;
(2) in paragraph (7), by striking the period and inserting “;”;
(3) by adding at the end the following:
(“B) a description of how parents were informed of, and trained in, the use of technologies, so that the parents will be equipped to reinforce at home the instruction their children received in school;”;
(c) T ARGETED USES OF FUNDS.—Section 6203(b) (20 U.S.C. 7332(b)) is amended—
(1) in paragraph (6), by striking “and” after the semicolon;
(2) in paragraph (7), by striking the period and inserting “;”;
(3) by adding at the end the following:
(“B) a description of how parents were informed of, and trained in, the use of technologies, so that the parents will be equipped to reinforce at home the instruction their children received in school;”;
(d) LOCAL APPLICATIONS.—Section 6203(a)(1)(A) (20 U.S.C. 7332(a)(1)(A)) is amended by adding “, including parental involvement,” before “designed”.
SEC. 9. GENERAL PROVISIONS.
(a) DEFINITION.—Section 14001 (20 U.S.C. 8801) is amended—
(1) by redesignating paragraphs (23) through (29) as paragraphs (24) through (30), respectively; and
(2) by inserting after paragraph (22) the following:
(“B) successful research-based practices in schools throughout the State; and
(“C) a description of how such policies will be evaluated with respect to increased parental involvement in the schools throughout the State; and
(“D) a description of how such policies will be evaluated with respect to increased parental involvement in the schools throughout the State.
(b) PARENTAL INVOLVEMENT.—Title XIV (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:
PASSAGE OF THE BILL
and they are able to improve their own skills and encourage their desire to read. This new attention to the impacts of growth, particularly when it is concentrated in a small area, is less likely to engage in violence, drug or substance abuse, and will do better academically and on standardized tests. These fundamental principles apply without regard to the economic status or ethnic background of the parents.

Parental involvement is also a vital part of a child’s literacy. Children excel in reading when reading is a regular part of their early education. Students who have a greater array of reading materials in the home have higher reading achievement.

“We know that increased parental involvement works. In Worcester, the Belmont Community School has instituted a school-wide reading initiative called “Books and Beyond,” which is helping children improve their reading skills and encourage their desire to read. Its success is largely due to special workshops and classes for parents, which emphasizes parental involvement, adult literacy training, and strong parent-school partnerships.

The Hueco Elementary School in El Paso, Texas, supports parent involvement in a number of ways. It offers parenting classes throughout the year, including training for parents to support learning at home. It works to increase communication with parents through a Parent Communication Council that meets monthly. Hueco has also hired a successful parent coordinator to help teachers involve parents. This effort has paid off. Now parents have an active voice in the school and they can participate in classroom instruction, and they are able to improve their own education. Average attendance has risen to 97 percent. Students whose parents attend workshops and participate in other activities have more success in school and fewer disciplinary problems.

The federal government has a responsibility to be part of the effort to enhance parental involvement. The legislation we are introducing will help states and school districts to create strong ties with parents. It strengthens parental involvement programs in Title I, and encourages schools to use proven techniques for helping teachers and parents work together. It also provides support for connecting schools and parents through technology, and it increases the role of parents in the Safe and Drug-Free Schools and Communities program.

Strong parent involvement will help ensure strong schools. We should do all we can to make sure that federal support for improving public schools provides a strong role for parents. By doing so, we help create the brighter future that all the nation’s children deserve.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 1558. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space Bonds, the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMUNITY OPEN SPACE BONDS ACT OF 1999

Mr. BAUCUS. Mr. President, I am pleased to introduce the Community Open Space Bonds Act of 1999 with my colleague, the senior Senator from Utah. This bill is designed to give state and local governments more resources to protect open space, preserve water quality, and redevelop brownfield sites. It provides communities with zero-cost financing options for those activities in an entirely voluntary and locally-driven way. There is no Federal land-use plan or requirements for these programs as a relatively high priority. Whatever the cause, growth is using today’s infrastructure. Some cities like Bozeman, Montana, have had to resort to impact assessment fees in the outlying areas so that the establishment of new housing on open space will not have to subsidize growth away from the already built up areas. The challenge is to encourage growth while maintaining open space and other factors that make our communities desirable places to live and work.

Because of our quality of life in the West, people are moving there in droves. We pride ourselves on having lots of space and we want growth. But, growth in environmentally sensitive and water restricted areas poses some unique problems. We have vast amounts of public land that are getting harder and harder to access as growth crowds these areas. That means fewer hunters, fishermen, hikers, and outdoor enthusiasts, can use these lands easily.

One result of this growth is that the character of the West is changing rapidly. For instance, Montana grew faster than the rest of the nation in the 1990s. That rate of growth, especially when it is concentrated in a small number of areas, concerns people. They start turning to their state and local government representatives for action to preserve the character of their communities.

A recent poll showed that most Americans believe that government at all levels could do a better job of protecting and creating parks and conserving open space. That same poll showed that they are willing to pay for such programs and that they view these programs as a relatively high priority. Leaders at all levels of government should heed these results.

Mr. President, the bill we are introducing today is intended to help address this need. We want to give communities the flexible resources they need to creatively manage growth-related problems at the local level.
In developing the Community Open Space Bonds Act of 1999, we started with the proposal included in the Administration’s FY2000 budget request. We have improved upon it to make it more responsive to local needs and to be equitable in its treatment of small and Western communities.

However, the basic idea is still the same. States and local governments, including tribal governments, can compete for the authority to issue bonds on which the Federal government will pay the interest and principal. The proceeds from the sale of the bonds can be used to acquire open space, build parks, protect water quality, improve access to public lands and redevelop brownfield areas. Up to $1.9 billion in bonding authority could be issued over each of the next five years. The Federal government would pay the interest costs by giving bondholders a tax credit against their income at the corporate AA credit rate.

Rather than having Federal agencies making all the decisions about who gets bonding authority, we are establishing a Community Open Space Bonds Board. This board will be dominated by non-Federal interest, such as Governors, County Commissioners, Mayors, etc., and will be given specific guidance to use in developing application criteria. This guidance will stress the need for an equitable distribution of bonding authority to all regions of the country and to all sizes of communities and for all the different qualifying purposes. We have also guaranteed that each state or a community in such a state will get at least one allocation of bonding authority per year.

We think these modifications improve the original proposal and are worthy of support by our colleagues from both sides of the aisle. We stand ready to work with them to address their concerns and get this bill enacted.

Mr. President, local governments across the country are looking for new and low-cost ways to maintain and preserve the quality of life in their area. Community Open Space Bonds are a great opportunity for all our citizens to improve the long term health and economic viability of our communities. I am hopeful we can pursue this opportunity in a bipartisan and constructive way.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1538

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 “Community Open Space Bonds Act of 1999”.

SEC. 2. CREDIT FOR HOLDERS OF COMMUNITY OPEN SPACE BONDS.

(a) In General.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new subpart:

“Subpart H—Nonrefundable Credit for Holders of Community Open Space Bonds.”

“Sec. 54. Credit to holders of Community Open Space bonds.

“SEC. 54. CREDIT TO HOLDERS OF COMMUNITY OPEN SPACE BONDS.

“(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a Community Open Space bond on a credit allowance date which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under paragraph (1) with respect to credit allowance dates during such year on which the taxpayer holds such bonds.

“(b) AMOUNT OF CREDIT.

“(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a Community Open Space bond is an amount equal to the product of—

“(A) the credit rate determined by the Secretary under paragraph (2), multiplied by

“(B) the face amount of the bond held by the taxpayer on the credit allowance date.

“(2) DETERMINATION.—During each calendar month, the Secretary shall determine a credit rate applicable to a bond issued during the following calendar month. The credit rate for any 3-month period ending on a credit allowance date is the percentage which the average of the daily closing rates on the credit allowance date is the percent—

“average equal the yield on corporate bonds outstanding on the day before the date of such determination.

“(3) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

“(c) LIMITATION BASED ON AMOUNT OF TAX.

“(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credit allowable under this part (other than this subpart and subpart C).

“(2) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried over to the 5 taxable years following the unused credit year and added to the credit allowable under subsection (a) for each such taxable year, subject to the application of section 38(a) to such taxable year.

“(d) COMMUNITY OPEN SPACE BOND.—For purposes of this section—

“(1) IN GENERAL.—The term ‘Community Open Space bond’ means any bond issued as part of an issue if—

“(A) 95 percent or more of the proceeds of such issue are to be used for a qualified environmental infrastructure project, and

“(B) the bond is issued by a State or local government,

“(C) the issuer—

“(i) designates such bond for purposes of this section,

“(ii) has a reasonable expectation that at least 10 percent of the proceeds of such issue will be spent on environmental infrastructure projects within 6 months of the date such bonds are issued,

“(iii) certifies such proceeds will be used with due diligence for qualified environmental infrastructure projects, and

“(iv) has a reasonable expectation that any property acquired or in connection with the proceeds of such issue, other than property improved in connection with a qualified environmental infrastructure project described in subparagraph (B), shall continue to be dedicated to a qualified use for a period of not less than 15 years from the date of such issue.

“(e) such bond satisfies public approval requirements similar to the requirements of section 147(f)(2),

“(f) as provided in paragraph (4)(B), the payment of the principal of such issue is secured by taxes of general applicability imposed by a general purpose governmental unit, and

“(g) the term of each bond which is part of such issue does not exceed 15 years.

“(2) QUALIFIED ENVIRONMENTAL INFRASTRUCTURE PROJECT.—

“(A) IN GENERAL.—The term ‘qualified environmental infrastructure project’ means—

“(i) acquisition of qualified property for use as open space, wetlands, public parks, or greenways, or to improve access to public lands by non-motorized means,

“(ii) construction, rehabilitation, or repair of public or private facilities in qualified property, including nature centers, campgrounds, and biking trails,

“(iii) remediation of qualified property to enhance water quality, including the use of—

“(I) restoring natural hydrology or planting trees and streamside vegetation,

“(II) controlling erosion,

“(III) restoring wetlands, or

“(IV) treating conditions caused by the prior disposal of toxic or other waste,

“(B) QUALIFIED PROPERTY.—The term ‘qualified property’ means real property—

“(i) which is, or is to be, owned by—

“(I) a governmental unit, or

“(II) an organization described in section 501(c)(3) and exempt from taxation under section 501(a) which has as one if its purposes environmental preservation, and

“(iii) which is reasonably anticipated to be available for use by members of the general public, unless such use would change the character of the property and be contrary to its purpose of environmental preservation, and

“(B) SAFE HARBOR FOR MANAGEMENT CONTRACTS.—For purposes of subparagraph (B), property shall not be treated as qualified property if any rights or benefits of such property inure to a private person other than rights or benefits under a management contract or similar type of operating agreement to which rules similar to the rules applicable to tax-exempt bonds apply.

“(D) CERTIFICATION.—Property is described in this subparagraph if any portion of such property shall be included, or as proposed to be included, in the national priorities list under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B))

“(E) LIMITATION ON DISPOSITION OF PROPERTY.—Any disposition of any interest in property
acquired or improved in connection with a qualified environmental project described in this paragraph (except a project described in subparagraph (A)(v) shall contain an option (reconcileable with the applicable State or local law) to purchase such property for an amount equal to the original acquisition price of such property for any interested organization. In subparagraph (B)(1)(A)(ii) if such organization purchases such property subject to a restrictive covenant requiring a continued qualified use of such property.

'(3) TEMPORARY PERIOD EXCEPTION.—

(A) IN GENERAL.—A bond shall not be treated as described in subparagraph (1) solely by reason of the fact that the proceeds of the issue of such bond is a part of a project described in such paragraph (1)(A) or subparagraph (A)(v).

(B) INVESTMENT OF PROCEEDS.—For purposes of paragraph (A), proceeds shall only be invested in—

(i) Government securities, and

(ii) a sinking fund established by the issuer, State and local government securities issued by the Treasury.

(4) SPECIAL RULES FOR PROJECTS DESCRIBED IN PARAGRAPH (2)(A)(v).—

'(A) LIMIT ON USE OF PROCEEDS FOR PROJECT.—This subsection shall not apply to any bond issued as part of an issue if amounts used from such issue for a qualified environmental infrastructure project described in paragraph (2)(A)(v) and involving public infrastructure in excess of an amount equal to 5 percent of the total amount of such proceeds used for all projects described in such paragraph (2)(A)(v).

'(B) PRIVATE USE AND REPAYMENT OF PROCEEDS.—In the case of proceeds of an issue which are used for a qualified environmental infrastructure project described in paragraph (2)(A)(v), the issuer of such bonds is a part shall not fail to meet the requirements of this subsection solely because the proceeds are used to redeem such bonds as long as the purchaser of such property makes an irrevocable election not to claim any deduction with respect to such project under section 198.

'(5) RECAPTURE OF CREDIT AMOUNT.—

'(A) IN GENERAL.—If, during the taxable year in which the bond is part of an issue under this section, and

(i) the aggregate amount of credit allowed with respect to such bond for 3 preceding taxable years, plus

(ii) the sum of the amount of interest and such bond for any taxable year, and

(ii) the issuer of such bond shall be liable for payment to the United States of the credit recapture amount. Such payment shall be made at such time and in such manner as determined by the Secretary.

'(B) CREDIT RECAPTURE AMOUNT.—For purposes of subparagraph (A), the credit recapture amount is an amount equal to the sum of—

(i) the aggregate amount of credit allowed with respect to such bond for 3 preceding taxable years, plus

(ii) the excess of the underpayment rate established under section 6621 on the credit amount from the date such credit was allowed to the payment date under subparagraph (A).

'(6) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

'(1) IN GENERAL.—There is a Community Open Space bond limitation for each calendar year equal to—

(A) $1,900,000,000 for each of years 2000 through 2003,

(B) except as provided in paragraph (3), zero after 2004.

'(2) ALLOCATION OF LIMITATION AMONG STATES AND LOCAL GOVERNMENTS.—

'(A) IN GENERAL.—The limitation amount to be allocated under paragraph (1) for any calendar year shall be allocated among States and local governments with an approved application on a competitive basis by the Community Open Space Bonds Board (referred to in this subsection as the 'Board') established under section 3 of the Community Open Space Bonds Act of 1999.

'(B) APPROVED APPLICATION.—For purposes of subparagraph (A), the term 'approved application' means an application which is approved by the Board, and which includes such information as the Board requires.

'(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

'(A) the limitation amount under paragraph (1), exceeds

'B' the aggregate limitation amount allocated to States and local governments under this section, for the following calendar year shall be increased by the amount of such excess. No limitation amount carried forward under this paragraph more than 3 years.

'(4) OTHER DEFINITIONS; SPECIAL RULES.—

For purposes of this subpart—

'(1) 'BOND.—The term 'bond' includes any obligation.

'(2) 'CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

(i) March 15,

(ii) June 15,

(iii) September 15, and

(iv) December 15.

'(3) 'QUALIFIED USE.—The term 'qualified use' means a use which is consistent with the purpose of the qualified environmental infrastructure project related to such property.

'(4) 'STATE.—The term 'State' includes the District of Columbia, any possession of the United States, and any Indian tribe (as defined in section 553(c)(6)).

'(5) 'QUALIFIED INCOME.—The term 'qualified income' means—

(i) gross income, which shall include—

(A) the amount of the credit allowed to the taxpayer under this section and the amount so included shall be treated as interest income.

(B) HELD BY REGULATED INVESTMENT COMPANIES.—If any Community Open Space Bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

'(6) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary.

'(7) IN GENERAL.—There is a separation (including at issuance) of the ownership of a Community Open Space bond and the entitlement to the credit under this section with respect to such bond. After any such separation, the credit under this section shall be allowed to the person who, on the credit allowance date, holds the instrument evidencing the credit and not to the holder of the bond.

'(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1226 shall apply to the Community Open Space Bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

'(3) TREATMENT FOR ESTIMATED TAX PURPOSES.—For purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a Community Open Space bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

'(4) CREDIT MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and purchase agreements.

'(5) REPORTING.—Issuers of Community Open Space bonds shall submit reports similar to the reports required under section 149(e).

'(6) REPORTING OF CREDIT ON COMMUNITY OPEN SPACE BONDS.—

'(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(f) and shall be treated as paid as paid on the credit allowance date (as defined in section 54(f)(2)).

'(B) REPORTING TO CORPORATIONS, ETC.—Except for otherwise prescribed regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (B), (I), (K), and (L)(i).

'(C) Regulatory Authority.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.

'(7) CLERICAL AMENDMENTS.—

'(A) The table of subparts for part IV of chapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

'Subpart H. Nonrefundable Credit for Holders of Community Open Space Bonds.'

'(B) Section 6601(b)(1) of such Code is amended by striking "and G" and inserting "and H".

'(C) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 18, 1998 by the Community Open Space Bonds Board.
as the Community Open Space Bonds Board (in this section referred to as the “Board’)."

(b) MEMBERSHIP.—(1) COMPOSITION.—The Board shall be composed of 18 members, as follows:

(A) 3 members shall be individuals who are not officers or employees of the United States, and who are appointed by the President, by and with the advice and consent of the Senate.

(B) 8 members, not be affiliated with the same political party, shall be individuals who represent Governors, or other chief executive officers, of a State, mayors, and county commissioners and who are appointed by the President, by and with the advice and consent of the Senate.

(C) 1 member shall be the Secretary of Housing and Urban Development or the Secretary’s designee.

(D) 1 member shall be the Secretary of Agriculture or the Secretary’s designee.

(E) 1 member shall be the Secretaries of Housing of Interior's designee.

(F) 1 member shall be the Secretary of Transportation or the Secretary’s designee.

(G) 1 member shall be the Secretary of Transportation or the Secretary’s designee.

(H) 1 member shall be the Secretary of the Treasury or the Treasury’s designee.

(I) 1 member shall be the Director of the Federal Emergency Management Agency or the Director’s designee.

(2) QUALIFICATIONS AND TERMS.—(A) QUALIFICATIONS.—Members of the Board described in paragraph (1)(A) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in 1 or more of the following areas:

(i) Tax-exempt organizations which have as a principal purpose environmental protection and similar activities.

(ii) Community planning.

(iii) Real estate investment and bond financing.

(B) TERMS.—Each member who is described in subparagraph (A) or (B) of paragraph (1) shall be appointed for a term of 1 year, except that of the members first appointed—

(i) 3 member shall be appointed for a term of 1 year.

(ii) 4 members shall be appointed for a term of 2 years, and

(iii) 4 members shall be appointed for a term of 3 years.

(C) REAPPOINTMENT.—An individual who is described in subparagraph (A) or (B) of paragraph (1) may be appointed to no more than one 3-year term.

(D) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed for the remainder of that term.

(3) Initial Meetings.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting. Subsequent meetings of the Board shall be determined by the Board by majority vote or held at the call of the Chairperson.

(4) QUORUM.—A majority of the members of the Board constitutes a quorum, but a lesser number of members may hold hearings.

(5) CHAIRPERSON.—The member described in paragraph (1)(C) shall serve as the Chairperson of the Board.

(6) REMOVAL.—(A) IN GENERAL.—Any member of the Board appointed under subparagraph (A) or (B) of paragraph (1) may be removed at the will of the President.

(B) SECRETARIES; DIRECTOR; ADMINISTRATOR.—An individual described in subparagraphs (C) through (I) of paragraph (1) shall be removed upon termination of service in the officer described in each such subparagraph.

(7) DUTIES OF THE BOARD.—(1) In general.—The Board shall—

(a) review applications for allocation of the Community Open Space bond program, and

(b) determine the amount of basic limitation amount for the year for which a bond program is approved, in accordance with published criteria.

(2) CRITERIA FOR APPROVAL.—The Board shall promulgate a regulation to develop criteria for approval of applications under paragraph (1), taking into consideration the following guidelines:

(A) A distribution pattern of the overall limitation amount available for the year which results in the financing of each category of qualified environmental infrastructure project and in an even distribution among different regions of the country and sizes of communities.

(B) State or local government support of proposed projects.

(C) Proposed projects which meet local and regional environmental protection or planning goals and leverage or make more efficient or innovative the use of other public or private resources.

(D) Proposed projects which are intended to maintain the viability of existing central business districts, preserve community’s distinct character and values, and encourage the reuse of property already served by public infrastructure.

(E) The extent of expected improvement in environmental quality, outdoor recreation opportunities, and access to public lands.

(3) ANNUAL REPORT.—The Board shall annually report with respect to the conduct of its responsibilities under this section to the President and Congress and such report shall include—

(A) the overall progress of the Community Open Space bond program, and

(B) the overall limitation amount allocated during the preceding year, the description of the amount limitation and qualified environmental infrastructure project financed by each allocation.

(4) CONFLICT OF INTEREST.—The Board shall carry out its duties under this subsection in such a way that all conflicts of interest of its members are avoided.

(a) POWERS OF THE BOARD.—

(1) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out the provisions of this section, including the published and unpublished data and analytical products of the Bureau of Labor Statistics, and from any Federal department or agency shall furnish such information to the Board.

(3) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) COMPENSATION OF MEMBERS.—Each member of the Board who is not otherwise an officer or employee of the Federal Government shall be compensated at the daily equivalent of the daily rate of pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code, at rates for individuals, and the President, by and with the advice and consent of the Senate. Any member appointed under subparagraph (A) or (B) of paragraph (1) may be removed at the will of the President.

(c) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under 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 Board.

(d) PERSONNEL MATTERS.—

(1) SECRETARIES; DIRECTOR; ADMINISTRATOR.—The President shall delegate to the Board the power to fill positions described in paragraph (1)(A) to (I) of subsection (b) of this section, without regard to the provisions of chapter 3 of title 5, United States Code, relating to classification of positions and position appraisals, and general rate of pay, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5316 of title 5, United States Code.

(2) MINIMUM PERSONNEL.—The Board shall be allowed to perform the duties of the Board, without regard to the provisions of chapter 6 of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(3) EFFECTIVE DATES.—(A) IN GENERAL.—The Board may take effect on the date of enactment of this Act, and shall operate as a body from the date of the first meeting of the Board held after the date of the enactment of this Act.

(B) EFFECTIVE DATE.—The President shall submit the initial nominations under paragraphs (A) and (B) of subsection (b)(1) to the Senate not later than 90 days after the date of the enactment of this Act.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Board may procure temporary and intermittent services under section 5132 of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) DEFINITIONS.—For purposes of this section—

(A) STATE.—The term ‘State’ includes the District of Columbia, any possession of the United States, and any Indian tribe (as defined in section 454(a)(6)).

(B) QUALIFIED ENVIRONMENTAL INFRASTRUCTURE PROJECT.—The term ‘qualified environmental infrastructure project’ has the same meaning given that term in section 54(d)(2) of the Internal Revenue Code of 1986.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as are necessary to carry out the purposes of this section.

(7) TRANSFER OF PROVISIONS.—The provisions of this Act shall take effect on the date of enactment of this Act.
Fifth, the legislation funds grassroots safety campaigns to raise public awareness of the importance of motor carrier safety and discourage drivers from taking safety risks.

Finally, the legislation has both incentives for the states to implement motor carrier safety improvements and rewards to the states who improve motor carrier safety fatalities by five percent of the previous year. Mr. President, we must do more to prevent unnecessary deaths caused by the lack of oversight of commercial vehicles.

With this legislation, citizens will feel more secure about driving on our roads and highways.

I hope that my colleagues will join me in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MOTOR CARRIER SAFETY

SEC. 101. SHORT TITLE.

This title may be cited as the “Motor Carrier Safety Act of 1999”.

SEC. 102. COMMERCIAL DRIVERS’ LICENSES.

(a) DRIVER’S LICENSE CRITERIA.—Section 32305(a) of title 49, United States Code, is amended by—

(1) striking “and” after the semicolon in paragraph (7); and

(2) redesignating paragraph (8) as paragraph (9); and

(b) MOVING TRAFFIC VIOLATIONS.—Section 31311(a) of title 49, United States Code, is amended by—

(1) redesigning paragraph (17) as paragraph (18); and

(2) adding a new paragraph (17) after paragraph (16) as follows:

“(17) The State shall record on a driver’s commercial driver’s license record each conviction for a moving traffic violation, including such conviction for a violation committed in a noncommercial motor vehicle.”;

(c) DRUG- OR ALCOHOL-RELATED VIOLATIONS.—Section 31311(a) of title 49, United States Code, is further amended by adding a new paragraph at the end as follows:

“(19) The State may not issue a commercial driver’s license to an individual within 3 years after the date the individual was convicted of any drug- or alcohol-related traffic violation, including a conviction for a violation committed in a noncommercial motor vehicle.”;

(d) DIVERSION OR SPECIAL LICENSING PROGRAMS.—Section 31311(a)(10) of title 49, United States Code, is amended by adding a new sentence at the end as follows: “The State shall not issue a special license or permit to a commercial driver’s license holder that permits the driver to drive a commercial motor vehicle during a period in which the individual is disqualified from operating a commercial motor vehicle or the individual’s driver’s license is revoked, suspended, or canceled.”;

(e) TRANSFER OF AMOUNTS FOR STATE NON-COMPLIANCE.—(1) Section 31314 of title 49, United States Code, is amended to read as follows:

“(3) Transfer of amounts for State non-compliance.

“(a) IN GENERAL.—On October 1, 2001, or as soon thereafter as practicable, and each October 1 thereafter, if a State has not complied substantially with all requirements of section 31311(a) of this title, the Secretary of Transportation shall transfer up to 5 percent of the amount required to be apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) of title 23 to the amount made available to the State to carry out section 31102.

“(b) TRANSFER OF OBLIGATION AUTHORITY.—If the Secretary transfers under this section an amount for the fiscal year, the Secretary shall transfer an equal amount of obligation authority distributed federally for the same fiscal year.

“(c) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the obligations to the State under section 31102 of this title shall apply to funds transferred under this section to the apportionment of a State under such section.

“(d) LIMITATION ON APPROPRIATIONS.—Item 31314 in the analysis of chapter 313 of title 49, United States Code, is amended to read as follows—

“(3) Transfer of amounts for State non-compliance.”

SEC. 103. SAFETY FITNESS OF OWNERS AND OPERATORS.

Section 31144(b)(1) of title 49, United States Code, is amended by inserting the following before the period after paragraph (8) of paragraph (3):

“including a requirement that no owner or operator that begins commercial motor vehicle operations after the date of enactment of this section will be determined to be fit unless such owner or operator has attended a program for the education of owners and operators that covers, at a minimum, the responsibility regulations administered by the Secretary. The Secretary shall assess a fee to defray the cost of the program. The Secretary may use the fees to provide the education program.”.

SEC. 104. REDISTRIBUTION OF UNUSED FEDERAL-AID OBLIGATION AUTHORITY.

Section 1102(d) of the Transportation Equity Act for the 21st Century (Public Law 105-175) is amended by inserting at the end the following: “, except that, beginning in fiscal year 2001 through fiscal year 2003, no redistribution shall be made to a State that fails to reduce the number of fatalities in a year resulting from commercial motor vehicle crashes by at least 5 percent, based on the most recent year for which such data are available compared to the previous year. For purposes of this section ‘commercial motor vehicle’ has the meaning specified in section 31001 of title 49, United States Code.”

SEC. 105. ON-BOARD RECORDERS.

(a) FEDERAL REGULATIONS.—The Secretary of Transportation, after notice and opportunity for comment, shall issue regulations requiring, as appropriate, the installation and use of on-board recorders or other technologies on commercial motor vehicles to manage the hours of service of drivers.

(b) DEFINITIONS.—In this section ‘commercial motor vehicle’ has the meaning specified in section 31132 of title 49, United States Code.

(c) DEADLINES.—The regulations required under subsection (a) of this section shall be...
SEC. 106. DRIVER COMPENSATION AND SAFETY STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study to identify methods used to compensate drivers of commercial motor vehicles, examine how different methods may affect safety and compliance with safety regulations, and identify ways safety and enforcement organizations, private sector entities, and other interested parties could be improved through changes in driver compensation.

(b) CONSULTATION.—In carrying out the study, the Secretary shall consult with private and for-hire motor carriers, independent owner-operators, organized labor, drivers, safety organizations, and State and local governments.

(c) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate to implement the study.

SEC. 107. PUBLIC INFORMATION AND EDUCATION.

The Secretary of Transportation shall expend from administrative funds deducted under section 104(a) of title 23, United States Code, not more than $500,000 for each fiscal year, beginning in fiscal year 2001, to carry out public information and education programs involving commercial motor vehicles. The Secretary shall make grants to at least 3 entities from among States, local governments, law enforcement agencies, private safety entities, nonprofit organizations, or commercial motor vehicle driver organizations to develop and implement programs to discourage drivers of commercial motor vehicles and drivers of passenger vehicles and motor carriers from taking safety risks. Such programs may be based on methods used in other public safety campaigns to improve driver performance.

SEC. 108. PERIODIC REFILING OF MOTOR CAR- RIER IDENTIFICATION REPORTS.

(a) Federal Requirements.—The Secretary of Transportation shall amend section 385.21 of title 49, Code of Federal Regulations, to require periodic updating of the Motor Carrier Identification Report, Form MCS-150, by each motor carrier conducting operations in interstate or foreign commerce.

(b) Availability of Amounts.—$5,500,000 per year, for fiscal years 2001 through 2003, are made available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary of Transportation to carry out this section.

(c) ADMINISTRATIVE COSTS.—The Secretary may use, for the administration of this section, amounts made available under sub-section (b) of this section for each of fiscal years 2001 through 2003.

(d) CONTRACT AUTHORITY; DATE AVAILABLE FOR OBLIGATION.—The amounts made available by this section from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation on October 1, and as soon thereafter as practicable, of the fiscal year for which they are made available for obligation.

SEC. 109. IMPROVED DATA ANALYSIS SYSTEM.

(a) Chapter 5 of title 49, United States Code, is amended by inserting the following after section 526:

"§527. Aiding and abetting

A person who knowingly aids, abets, counsels, procures, or procures, by means of violation of a regulation or order issued by the Secretary of Transportation under chapter 311 or section 31502 of this title shall be subject to civil and criminal penalties under subsection (a) to the same extent as the motor carrier or driver who commits a violation.";

(b) The analysis of chapter 5 of title 49, United States Code, is amended by adding the following at the end:

"§527. Aiding and abetting.";

SEC. 110. IMPROVED DATA HAZARD.

Section 521(b)(5) of title 49, United States Code, is amended by revising subparagraph (B) to read as follows:

"(B) In this paragraph 'imminent hazard' means any violation, or series of violations, of the statutes or regulations specified in subparagraph (A) of this paragraph that could result in a highway crash if not discontinued within 24 hours.";

SEC. 111. INNOVATIVE TRAFFIC LAW PILOT PRO- GRAM.

(a) PILOT PROGRAM.—The Secretary of Transportation shall carry out a pilot program in cooperation with 1 or more States to develop innovative methods of improving compliance with traffic laws, including those pertaining to highway-rail grade crossings. Such methods may include the use of photography and other imaging technologies.

(b) REPORT.—Not later than 3 years after the start of the pilot program, the Secretary shall transmit to Congress a report on the results of the pilot program, together with any recommendations as the Secretary determines appropriate.

(c) AVAILABILITY OF AMOUNTS.—$500,000 per year, for fiscal years 2001 through 2003, are made available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary of Transportation to carry out this section.

(d) CONTRACT AUTHORITY; DATE AVAILABLE FOR OBLIGATION.—The amounts made available by this section from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation on October 1, or as soon thereafter as practicable, of the fiscal year for which they are made available for obligation.

SEC. 112. RESEARCH ON HEAVY VEHICLE SAFETY AND DRIVER PERFORMANCE.

(a) RESEARCH ON HEAVY VEHICLE SAFETY AND DRIVER PERFORMANCE.—The Secretary, through the National Highway Traffic Safety Administration, shall conduct research on heavy vehicle safety, including measures to improve braking and stability, measures to improve vehicle compatibility in crashes between heavier and lighter vehicles, and measures to improve the performance of motor vehicle drivers.

(b) AVAILABILITY OF AMOUNTS.—$5,500,000 per year, for fiscal years 2001 through 2003, are made available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary of Transportation to carry out this section.

(c) CONTRACT AUTHORITY; DATE AVAILABLE FOR OBLIGATION.—The amounts made avail- able by this section from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation on October 1, or as soon there-after as practicable, of the fiscal year for which they are made available for obligation.

SEC. 113. IMPROVED DATA ANALYSIS SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a program, in cooperation with the States, to improve the collection and analysis of data on crashes involving commercial vehicles.

(b) PROGRAM ADMINISTRATION.—The Secretary shall administer the program through the National Highway Traffic Safety Administration, which shall be responsible for entering into agreements with the States to develop a program in cooperation with the States, motor carriers, and other data users to determine data needs; develop data definitions to assure high-quality, compatible data; and create an accessible database that will improve commercial vehicle safety. The program should also incorporate driver citation and conviction information into the data system. Emphasis should also be placed on improving crash analysis.

(c) PROGRAM DEVELOPMENT.—The National Highway Traffic Safety Administration and the Federal Highway Administration shall develop a data program in cooperation with the States, motor carriers, and other interested parties for the purpose of developing a data program in cooperation with the States, motor carriers, and other interested parties for the purpose of (1) promoting the exchange of data across modes and jurisdictions; (2) developing innovative methods of improving compliance with traffic laws, including those pertaining to highway-rail grade crossings; and (3) developing methods to improve data analysis and crash response.

(d) CONTRACT AUTHORITY; DATE AVAILABLE FOR OBLIGATION.—The amounts made available by this section from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation on October 1, or as soon there-after as practicable, of the fiscal year for which they are made available for obligation.


(a) GRANTS.—Section 31104(a) of title 49, United States Code, is amended by revising paragraphs (4) through (6) to read as follows:

"(4) Not more than $125,500,000 for fiscal year 2001.

"(5) Not more than $130,500,000 for fiscal year 2002.

"(6) Not more than $135,500,000 for fiscal year 2003.";

(b) INFORMATION SYSTEMS.—Section 31107(a) of title 49, United States Code, is amended by adding—

"(1) striking “and” in paragraph (2); and

"(2) revising paragraphs (3) and (4) to read as follows:

"(3) Not more than $130,500,000 for each of fiscal years 2001 and 2002; and

"(4) $39,500,000 for fiscal year 2003."
SEC. 201. SHORT TITLE.
This title may be cited as the “Highway-Rail Grade Crossing Safety Act of 1999”.

SEC. 202. EMERGENCY NOTIFICATION OF GRADE CROSSING PROBLEMS.
Section 20152 of title 49, United States Code, is amended to read as follows:

“§ 20152. Emergency notification of grade crossing problems
“(a) PROGRAM.—(1) The Secretary of Transportation shall promote the establishment of emergency notification systems utilizing toll-free telephone numbers that the public can use to convey to railroad carriers, either directly or through public safety personnel, information about malfunctions of automated warning devices or other safety problems at highway-rail grade crossings.
“(2) To assist in encouraging widespread use of such systems, the Secretary may provide technical assistance and enter into cooperative agreements. Such assistance shall include appropriate emphasis on the public safety needs associated with operation of small railroads.
“(b) REPORT.—Not later than 24 months following enactment of the Highway-Rail Grade Crossing Safety Act of 1999, the Secretary shall report to Congress the status of such emergency notification systems, together with any recommendations for further legislation that the Secretary considers appropriate.
“(c) CLARIFICATION OF TERM.—In this section, the use of the term ‘emergency’ does not alter the circumstances under which a signal is required to be provided to the horse, car, or railroad vehicle, but otherwise ensures that the work of that employee is related to the emergency.”.

SEC. 203. VIOLATION OF GRADE CROSSING SIGNALS.

(a) In General.—Section 20151 of title 49, United States Code, is amended—
(1) by amending the section heading to read as follows: “§ 20151. Strategy to prevent railroad trespassing and vandalism and violation of grade crossing signals”;
(2) in subsection (a)—
(A) striking “and vandalism affecting railroad safety” and inserting “vandalism affecting railroad safety, and violations of highway-rail grade crossing signals”;
(B) by inserting “, concerning trespassing and vandalism,” after “such evaluation and review”;
and
(C) by inserting “The second such evaluation and review, concerning violations of highway-rail grade crossing signals, shall be completed not later than 1 year after the date of enactment of the Highway-Rail Grade Crossing Safety Act of 1999” after “November 2, 1994.”;
(3) in the subsection heading of subsection (b), by inserting “FOR TRESPASSING AND VANDALISM PREVENTION” after “OUTREACH PROGRAM”;
(4) in subsection (c)—
(A) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
(B) by inserting “(1)” after “MODEL LEGISLATION.”; and
(C) by adding at the end the following new paragraph:
“(2) Not later than 2 years after the date of enactment of the Highway-Rail Grade Crossing Safety Act of 1999, the Secretary, after consultation with other governmental bodies and railroads, shall develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of highway-rail grade crossing signals.”; and
(5) by adding at the end the following new subsection:
“(d) DEFINITION.—In this section ‘violation of highway-rail grade crossing signals’ includes any action by a motor vehicle operator, unless directed by an authorized safety officer—
“(1) to drive around or through a grade crossing in a position intended to block passage over railroad tracks;
“(2) to drive through a flashing grade crossing signal with the crossing gate in a position intended to block passage over railroad tracks;
“(3) to drive through a grade crossing with passive warning signs without determining that the grade crossing could be safely crossed before train arrival; and
“(4) in the vicinity of a grade crossing, that creates a hazard of an accident involving injury or property damage at the grade crossing.”.

(b) CONFORMING AMENDMENT.—The item relating to section 20151 in the table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended to read as follows:

“20151. Strategy to prevent railroad trespassing and vandalism and violation of grade crossing signals.”.

SEC. 204. NATIONAL HIGHWAY-RAIL CROSSING INVENTORY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

“§ 20154. National highway-rail crossing inventory
“(a) MANDATORY INITIAL REPORTING OF CROSSING INFORMATION.—No later than September 30, 2001, each railroad carrier shall report to the Secretary certain information, as specified by the Secretary by rule or order issued after notice and opportunity for public comment or by guidelines, concerning each highway-rail crossing located within its borders; or
“(b) otherwise ensure that the information has been reported to the Secretary by that date.
“(b) MANDATORY PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning no later than September 30, 2003, and not less often than by September 30 of every third year thereafter, or as otherwise specified by the Secretary of Transportation by rule or order issued after notice and opportunity for public comment or by guidelines, each State shall—
“(A) report to the Secretary certain current information, as determined by the Secretary by rule or order after notice and opportunity for public comment or by guidelines, concerning each highway-rail crossing located within its borders; or
“(B) otherwise ensure that the information has been reported to the Secretary by that date.
“(c) AMENDMENT.—Section 130 of title 23, United States Code, is amended by striking the existing item for section 130 and inserting the following:

“130. Highway-rail crossings.”.
“(e) CIVIL PENALTIES.—(1) Section 21301(a)(1) of title 49, United States Code, is amended—
(A) by striking the period at the end of the first sentence and inserting “or with section 20154 of this title.”; and
(B) in the second sentence, by inserting “or violating section 20154” between “chapter 201” and “is liable”.
“(2) Section 21301(a)(2) of title 49, United States Code, is amended by inserting after the second sentence the following: “The Secretary shall subject a person to a civil penalty for a violation of section 20154 of this title.”.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1560. A bill to establish the Shiwits Plateau National Conservation Area; to the Committee on Energy and Natural Resources

SHIWITS PLATEAU NATIONAL CONSERVATION AREA ESTABLISHMENT ACT

Mr. KYL. Mr. President, I rise today along with my colleague Senator MCCAIN to introduce legislation creating a national conservation area on August 5, 1999.
It is only fair that the people who have a stake in this area, and who have lived with this land and its link to our past, be able to participate in the decision-making process concerning the management of this conservation area. The area is remote, yet it supports a few human activities, such as ranching, hunting, sightseeing, camping and hiking. I believe those uses can continue without threatening the natural environment or any historic or prehistoric artifacts that may be found in the area.

Designation of these lands as a national conservation area will serve these goals by increasing attention to and interest in the area by both the public and the federal government. By spotlighting this area, the Bureau of Land Management will be consulted, and empowered, to increase the money and personnel resources allocated to this area, and better focus its management on preserving and protecting the conservation area’s unique values.

This bill also requires the BLM to develop and carry out forest-restoration projects on both ponderosa pine and pinon-juniper forests within the conservation area. The goal of these projects will be to restore our forests to their pre-settlement conditions. This forest-health crisis in our southwestern forests is acute, and efforts are currently underway by the BLM at Mount Trumbull to address this problem. This legislation builds on those efforts.

Designation of this national conservation area may also result in the limiting of some future human activities like mining. There are no current threats to the area, so existing traditional human uses can and should be allowed to continue. In this case, protecting the environment and continuing existing uses are not mutually exclusive. This bill preserves both the land and the traditional lifestyle of the area.

Proposals have been made to designate this area as a national monument. Such an action, however, would be done by presidential fiat under the Antiquities Act—that would subvert the public process. We do not want a repeat of the stealthy, election year political maneuver that resulted in the creation of the Escalante/Grand Staircase National Monument in 1996. The people of Arizona and Utah, and their elected representatives, deserve better.

I believe, that if we act with the conviction that the area deserves additional protective status, and we are willing to consider the impacts on the environment and the economy, then this conservation area would be the most affected by such a designation have that opportunity. I am addressing the need for local input into this process by introduction of this bill. The first step in seeking public input is through the legislative process itself. The legislative process will ensure that the public has a voice. The next step is the section of the bill creating an advisory committee of interested parties to assist the BLM in the land-planning process.

The national conservation area for this area would also forever preclude any type of mining activity. This would be a totally irresponsible action. Let me stress that at this time there are no active mining activities, nor does it appear that any are planned for the foreseeable future within the proposed conservation area. However, we do not know for certain what mineral deposits may be located in the area, or in what quantity. We do know that there are some uranium and copper deposits. The nation does not currently need these resources, but prudence would dictate that we not lock up these minerals with no possibility for future extraction. While we appear to have adequate uranium reserves for current needs, policy or conditions may change and our national interest may be served by allowing them to be extracted in the future.

This legislation strikes a balance between the desire to preserve the land in its present state, and potential future national needs. Under the bill, the lands will be withdrawn from mineral entry under the 1872 mining law, but are subject to mineral leasing at the discretion of the Secretary of the Interior. This is consistent with the current status of other specially designated federal lands such as the Lake Mead and Glen Canyon National Recreation Areas. It is also consistent with the Secretary of the Interior’s segregation of the Shivwits Plateau National Conservation Area in the State of Arizona.

The purpose of this Act is to establish the Shivwits Plateau National Conservation Area to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the landscapes, native wildlife and vegetation, and prehistoric, historic, and traditional human values of the conservation area (including ranching, hunting, sightseeing, camping and hiking).

Definitions.

(1) Conservation area.—The term “conservation area” means the Shivwits Plateau National Conservation Area established by section 2.

(2) Secretary.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

4. Estabishment of Shivwits plateau national conservation area, Arizona.

(a) In general.—There is established the Shivwits Plateau National Conservation Area in the State of Arizona.

(b) Areas included.—The Shivwits Plateau National Conservation Area shall be comprised of approximately 381,800 acres of federal land situated in Mohave County, Arizona, as generally depicted on the map entitled “Shivwits Plateau National Conservation Area—Proposed”, numbered dated


(a) In general.—The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances all of the values specified in section 2 under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law.

(b) Hunting and fishing.—The Secretary shall permit hunting and fishing in the conservation area in accordance with the laws of the State of Arizona.

(c) Grazing.—(1) In General.—The Secretary shall permit the grazing of livestock in the conservation area.

(d) Applicable law.—The Secretary shall ensure that grazing in the conservation area is conducted in accordance with all laws (including regulations) that apply to the issuance and administration of grazing leases on other land under the jurisdiction of the Bureau of Land Management.

(e) Forest Restoration.—The Secretary shall develop and carry out forest restoration projects on Ponderosa Pine forests and Pinon-Juniper forests in the conservation area with the goal of restoring the land in the conservation area to pre-settlement condition.

(f) Advisory committee.—Establishment. The Secretary shall establish an advisory committee for the conservation area, to be known as the “Shivwits Plateau National Conservation Area Advisory Committee”, the purpose of which shall be to advise the Secretary with respect to the preparation and implementation of the management plan required by section 6. The advisory committee shall be comprised of 9 members appointed by the Secretary, of whom—
(A) shall be a grazing permittee in good standing with the Bureau of Land Management who has maintained a grazing allotment within the boundaries of the conservation area for a period of less than 5 years;
(B) shall be the chairperson of the Kaibab Band of Paiute Indians;
(C) shall be an individual with a recognized botanical, ecological, restoration research, and application, to be appointed from among nominations made by Northern Arizona University;
(D) shall be the Arizona State Land Commissioner;
(E) shall be an Arizona State Game and Fish Commissioner;
(F) shall be an official of the State of Utah (other than an elected official), to be appointed from among nominations made by the Arizona Strip Regional Planning Task Force;
(G) shall be a representative of a recognized environmental organization;
(H) shall be a local elected official from the State of Arizona, to be appointed from among nominations made by the Arizona Strip Regional Planning Task Force; and
(I) shall be a local elected official from the State of Utah, to be appointed from among nominations made by the Arizona Strip Regional Planning Task Force.

(b) Term.—
(A) IN GENERAL.—A member of the advisory committee shall be appointed for a term of 3 years, except that, of the members first appointed, 3 members shall be appointed for a term of 1 year and 3 members shall be appointed for a term of 2 years.
(B) REAPPOINTMENT.—A member may be reappointed to serve on the advisory committee for a term not to exceed the term of the member.

SEC. 6. MINERAL MANAGEMENT PLAN.

(a) EXISTING MANAGEMENT PLANS.—The Secretary shall manage the conservation area under the management plans in effect or the date of enactment of this Act, including the Arizona Strip Resource Management Plan, the Parashant Interdisciplinary Plan, and the Mt. Trumbull Interdisciplinary Plan.

(b) FUTURE MANAGEMENT PLANS.—Future revisions of management plans for the conservation area shall be adopted in compliance with the goals and objectives of this Act.

SEC. 7. ACQUISITION OF LAND.

(a) Acquisition.—The Secretary may acquire State or private land or interests in land within the boundaries of the conservation area by—
(1) donation;
(2) purchase with donated or appropriated funds from a willing seller; or
(3) exchange with a willing party.

(b) EXCHANGES.—
(1) IN GENERAL.—During the 2-year period beginning on the date of enactment of this Act, the Secretary shall make a diligent effort to acquire, by exchange, from willing parties all State trust lands, subsurface rights, and valid mining claims within the conservation area.
(2) INVERSE CONDEMNATION.—If an exchange requested by a property owner is not completed by the end of the period, the property owner that requested the exchange may, at any time after the end of the period—
(A) declare that the owner’s State trust lands, subsurface rights, or valid mining claims within the conservation area have been taken by inverse condemnation; and
(B) seek compensation from the United States in United States district court.
(3) VALUATION OF PRIVATE PROPERTY.—
(1) IN GENERAL.—The United States shall pay the fair market value for any property acquired under this section.

(2) ASSESSMENT.—The value of the property shall be assessed as if the conservation area did not exist.

SEC. 8. MINERAL ASSESSMENT PROGRAM AND MINING LAWS.

(a) ASSESSMENT PROGRAM.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assess the oil, gas, and mineral potential on Federal land in the conservation area.

(b) PEER REVIEW.—The mineral assessment program shall—
(1) be subject to review by the Arizona State Department of Mines and Mineral Resources; and
(2) not be considered to be complete until the results of the assessment are approved by the Arizona State Department of Mines and Mineral Resources.

(c) RELATIONS TO MINING LAWS.—Subject to valid existing rights, the public land within the conservation area is withdrawn from mineral location, entry, and patent under chapter 6 of the Revised Statutes (commonly known as the “General Mining Law of 1872”) (30 U.S.C. section 21 et seq.).

(d) MINERAL LEASING.—The Secretary shall permit the removal of—
(1) nonleasable minerals from land or an interest in land within the national conservation area in the manner prescribed by section 10 of the Act of August 4, 1909 (43 Stat. 38); and
(2) leaseable minerals from land or an interest in lands within the conservation area in accordance with section 25, 26, and 27 of the Act of August 25, 1920 (commonly known as the “Mineral Lands Leasing Act of 1920”) (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.).

(e) DISPOSITION OF FUNDS FROM PERMITS AND LEASES.—
(1) RECEIPTS FROM PERMITS AND LEASES.—Receipts derived from permits and leases issued on land in the conservation area under the Act of February 25, 1930 (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) shall be disposed of as provided in the applicable Act.

(f) RECEIPTS FROM DISPOSITION OF NONLEASABLE MINERALS.—Receipts from the disposition of nonleasable minerals within the conservation area shall be disposed of in the same manner as proceeds of the sale of public land.

SEC. 9. EFFECT ON WATER RIGHTS.

Nothing in this Act—
(1) establishes or implied reservation to the United States of any water or water-related right with respect to land included in the conservation area; or
(2) authorizes the appropriation of water, except in accordance with the substantive and procedural law of the State of Arizona.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. ABRAHAM:

S. 1561. A bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes; to the Committee on the Judiciary.

DATE-RAPE DRUG CONTROL ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise to introduce the Date Rape Drug Control Act of 1999. This legislation will address a problem that is taking too many lives.

Mr. President, date-rape drugs are becoming increasingly common in our nation. These drugs, so named because they are used in order to incapacitate women and make them vulnerable to sexual assault, are finding their way into nightclubs, onto campuses and into homes. They are being used by sexual predators against women all too often—women. The results are terrible and often tragic. Women victimized by drugs like gamma hydroxybutyric acid (or GHB) and Ketamine may be raped, they may become violently ill, and they may die.

Mr. President, I'd like to give just one example of the horrible consequences of drugs like GHB and Ketamine. In January of this year three young girls, none of them yet 16, were at a party given by a 25-year-old man in Woodhaven, Michigan. 15-year-old Samantha Reid drank a Mountain Dew—a soft drink—and passed out within minutes. She vomited in her sleep, and she died. Her friend, Melanie Thompson, also passed out and was then raped and passed into a coma, but has fortunately survived. The third young woman, Jessica VanWassehnova, had traces of GHB in her blood and only had a minor reaction of nausea. The three teenagers boys became violent, and Samantha, Melanie, and Jessica all had to face manslaughter and felony poison charges.

These two girls had no reason to believe that they were drinking anything dangerous. But they were wrong. Their drinks had been laced with both GHB and Ketamine. Men at the party apparently put these drugs in the girls' drinks, to a tragic result.

Mr. President, this was a terrible series of events, and one that has been repeated far too many times. Our young women are being raped and killed by sexual predators using GHB and Ketamine. And that must stop.

The Date Rape Drug Control Act will provide law enforcement personnel with the tools they need to fight the date-rape epidemic. It directs that GHB and Ketamine be classified as Schedule I controlled substances, as drugs like heroin and cocaine are today. In addition, the bill authorizes additional reporting requirements that will enhance the ability of authorities to track the manufacture, distribution and dispensing of GHB and similar products. And it directs the Secretary of Health and Human Services to submit annual reports to Congress estimating the number of incidents of date-rape drug abuse that occurred during the most recent year for which data are available.

Finally, Mr. President, this bill requires the Secretary, in consultation with the Attorney General, to develop a plan for carrying out a national campaign to educate individuals about the dangers of date-rape drugs, the fact that they are controlled substances and the penalties involved for violating the Controlled Substances Act, how to recognize symptoms indicating that an individual may be a victim of date-rape drugs, and how to respond when an individual has these symptoms.
The last provision is crucial, Mr. President, because those who use date-rape drugs depend on stealth in praying upon their victims. Young women who are on the lookout, who know what to look for and can recognize the signs of date-rape drug use will be at much lower risk of falling victim to GHB or Ketamine.

It is time to act, Mr. President, to save young people, and young women in particular, from these deadly drugs and from the predators who use them. I ask my colleagues to give this important legislation their full support.

Mr. President, I ask unanimous consent that the text of the Date-Rape Drug Control Act of 1999 and a section-by-section analysis be printed in the RECORD.

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

S. 1561

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 “Date-Rape Drug Control Act of 1999.”

SEC. 2. FINDINGS. —

Congress finds as follows:

(1) Gamma hydroxybutyric acid (also called G, Liquid X, Liquid Ecstasy, Grieveous Bodily Harm, Georgia Home Boy, Scoop) has become a significant and growing problem in law enforcement. At least 20 States have scheduled such drug in their drug laws and law enforcement officials have been experiencing an increased presence of the drug in driving under the influence, sexual assault, and overdose cases especially at night clubs and parties.

(2) A behavioral depressant and a hypnotic, gamma hydroxybutyric acid (“GHB”) is being used in conjunction with alcohol and other drugs with detrimental effects in an increasing number of cases. It is difficult to isolate the impact of such drug’s ingestion since it is so typically taken with an ever-changing combination of other drugs and especially alcohol which potentiates its impact.

(3) GHB takes the same path as alcohol, processes via alcohol dehydrogenase, and its symptoms path of intake and as impact builds are comparable to alcohol ingestion/intoxication. Thus, aggression and violence can be expected in some individuals who use such drug.

(4) If taken for human consumption, common industrial chemicals such as gamma butyrolactone and 1,4-butanediol are swiftly converted into GHB. Illucible of these and other GHB analogues and precursors chemicals is a significant and growing law enforcement problem.

(5) Human pharmacological formulation of gamma hydroxybutyric acid is being developed as a treatment for cataplexy, a serious and debilitating disease. Cataplexy, which causes sudden and total loss of muscle control, affects about 65 percent of the estimated 180,000 Americans with narcolepsy, a sleep disorder. People with cataplexy often are unable to work, drive a car, hold their children or live a normal life.

SEC. 3. ADDITION OF GAMMA HYDROXYBUTYRIC ACID AND KETAMINE TO SCHEDULE III UNDER THE CON- TROLLED SUBSTANCES ACT. —

(a) ADDITION TO SCHEDULE III. —

(1) IN GENERAL. — Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end of schedule I the following:

“(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any of the following substances having a depressant effect on the central nervous system, or which contains any of their salts, isomers, and salts of isomers manufactured, distributed, or possessed in accordance with an exemption approved under section 505(i) of the Federal Food, Drug, and Cosmetic Act shall be treated as a controlled substance in schedule III under section 202(c) of the Controlled Substances Act.”

(b) ADDITION TO SCHEDULE III. — Schedule III under section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in the first sentence of paragraph (1) by redesignating (4) through (10) as (6) through (12), respectively, and by inserting after (12) the following:

“(13) Gamma hydroxybutyric acid.”

(c) ADDITION TO SCHEDULE III. — Schedule III under section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in the first sentence of paragraph (2) by redesignating (2) through (12), respectively, and by inserting after (12) the following:

“(13) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers manufactured, distributed, or possessed in a drug product for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act.”

SEC. 4. AUTHORITY FOR ADDITIONAL REPORTING REQUIREMENTS FOR GAMMA HYDROXYBUTYRIC PRODUCTS IN SCHEDULE III. —

Section 307 of the Controlled Substances Act (21 U.S.C. 827) is amended by adding at the end of section 307(a) the following:

“(d) In the case of a drug product containing gamma hydroxybutyric acid for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act, the Attorney General may, in addition to any other requirements that apply under this section or any other section with respect to such a drug product, establish any of the following reporting requirements:

“(1) That every person who is registered as a manufacturer of bulk or dosage form shall maintain records and submit reports that both inventory increases, including purchases, transfers, and returns, and reductions from inventory, including sales, transfers, theft, destruction, and seizure, and shall provide data on material manufactured, manufactured from other material, use in manufacturing other material, and use in manufacturing dosage forms.

“(2) That all reports under this section must include the registered person’s registration number as well as the registration numbers, names, and other identifying information of vendors, suppliers, and customers, sufficient to allow the Attorney General to track the receipt and distribution of the drug.

“(3) That each dispensing practitioner shall maintain for each prescription the name of the prescribing practitioner, the prescribing practitioner’s State registration numbers, names, and other identifying information of vendors, suppliers, and customers, sufficient to allow the Attorney General to track the receipt and distribution of the drug.

“(4) That such information shall be available for inspection and copying by the Attorney General.

“(5) That section 310(b)(3) (relating to mail order reporting) applies with respect to gamma hydroxybutyric acid to the same extent and in the same manner as such section applies with respect to compounds and dosage forms on hand as of the close of business December 31, indicating whether materials reported are in storage or in process of manufacturing.

“(6) That section 310(b)(3) (relating to mail order reporting) applies with respect to gamma hydroxybutyric acid to the same extent and in the same manner as such section applies with respect to the chemicals and drug products specified in subparagraph (A) of subsection (b)."

SEC. 5. DEVELOPMENT OF FORENSIC FIELD TESTS FOR GAMMA HYDROXYBUTYRIC ACID. —

The Attorney General shall make a grant for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hydroxybutyric acid and related substances.

SEC. 6. ANNUAL REPORT REGARDING DATE-RAPE DRUGS. —

(a) ANNUAL REPORT. — The Secretary of Health and Human Services in this section
referred to as the “Secretary”) would periodically submit to Congress reports each of which provides an estimate of the number of incidents of the abuse of date-rape drugs (as defined in subparagraph (c)) that occurred during the most recent one-year period for which data are available. The first such report shall be submitted not later than January 15, 2000, and subsequent reports shall be submitted annually thereafter.

(b) National Awareness Campaign.—

(1) Development of Plan; Recommendations to Advisory Committee.—(A) In General.—The Secretary, in consultation with the Attorney General, shall develop a plan for carrying out a national campaign of individuals described in subparagraph (B) on the following:

(i) The dangers of date-rape drugs.

(ii) The applicability of the Controlled Substances Act to such drugs, including penalties under such Act.

(iii) Recognizing the symptoms that indicate an individual may be a victim of such drugs, including symptoms with respect to sexual assault.

(iv) Appropriately responding when an individual has such symptoms.

(B) Intended Population.—The individuals referred to in subparagraph (A) are young adults, youths, law enforcement personnel, educators, school nurses, counselors of rape victims, and emergency room personnel in hospitals.

(C) Advisory Committee.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to make recommendations to the Secretary regarding the plan under subparagraph (A). The committee shall be composed of individuals who collectively possess expertise on the effects of date-rape drugs and on detecting and controlling the drugs.

(2) Implementation of Plan.—Not later than 180 days after the date on which the advisory committee under paragraph (1) is established, the Secretary, in consultation with the Attorney General, shall commence carrying out the national campaign under such paragraph in accordance with the plan developed under such paragraph. The campaign may be carried out directly by the Secretary and through grants and contracts.

(3) Evaluation by General Accounting Office.—Not more than two years after the date on which the national campaign under paragraph (1) is commenced, the Comptroller General of the United States shall submit to Congress an evaluation of the effects with respect to date-rape drugs of the national campaign.

(c) Definition.—For purposes of this section, the term “date-rape drugs” means gamma hydroxybutyric acid and its salts, isomers, and salts of isomers of such acid and other chemical substances as the Secretary, after consultation with the Attorney General, determines to be appropriate.

DATE-RAPE DRUG CONTROL ACT OF 1999—DETERMINATION AND SECTION ANALYSIS

Section 1. Short Title.

“Date-Rape Drug Control Act of 1999”

Sec. 2. Findings.

This section sets out congressional findings regarding the use of gamma hydroxybutyric acid and related substances as the Secretary, after consultation with the Attorney General, determines to be appropriate.

Sec. 3. Addition of Gamma Hydroxybutyric Acid and Ketamine (GHK) to Schedules of Controlled Substances; Gamma Butyro lactone as Additional List 1 Chemical.

This section amends section 202(a) of the Controlled Substances Act to add gamma hydroxybutyric acid and its salts to the list of Schedule I drugs, unless these substances are specifically excepted or listed in another schedule.

For purposes of requirements of the Controlled Substances Act to such drugs and on detecting and controlling the drugs. The advisory committee must be established within 180 days after the enactment of this legislation. Within 180 days after the advisory committee is established, the Secretary must implement the campaign.

No later than two years after the campaign begins, the Comptroller General is directed to submit to Congress an evaluation of its effectiveness and recommendations for improving its effectiveness, if appropriate.

By Mr. NICKLES:

S. 1562. A bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property; to the Committee on Finance.

SMALL BUSINESS FRANCHISE PROPERTY RECOVERY ACT OF 1999

Mr. NICKLES. Mr. President, today I am pleased to introduce the “Small Business Franchise Property Recovery Act of 1999.” This bill would amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

As my colleagues may recall, the recovery period for real estate property and building improvements was generally extended to 39 years in 1984 primarily for revenue reasons. Since that time, growing concerns have been voiced that having such an extended recovery period is neither justifiable nor based on sound tax policy. In many cases, 39 years is far longer than the normal use life of the property. Congress has directed the Treasury Department by early next year to provide us with a study and recommendations for overhauling the tax code’s depreciation provisions. I look forward to receiving the Treasury’s report, but in the interim, I do not believe we should defer addressing obvious depreciation inequities. Therefore, I am offering this bill now to shorten the depreciation period for real property and buildings for all franchisees from 39 years to 15 years.

Mr. President, franchisees such as those who operate quick-service food restaurants generally enter into a franchise agreement that terminates after a set period of time (e.g., 15 or 20 years). There typically is no guaranteed right to renew the agreement. Franchisees often must undertake major renovations and improvements to the property at least once during the franchise period.

Under current law, the real estate and buildings owned by franchisees generally must be written off over 39 years. This extended depreciation period bears no relation to economic reality and is roughly the normal use life of the franchise property.

The “Small Business Property Recovery Act of 1999” would reduce the 39
year recovery period for such franchisee property to 15 years. This shorter period, which tracks the convenience store precedent, would essentially reflect the property’s use life. This would be fairer to the small and closely held businesses that operate quick-service restaurants and other franchises. It also would enable them to free-up more capital to expand their businesses and create more jobs.

I urge my colleagues on both sides of the aisle to cosponsor this bill. I will also support any representative RAMSTAD recently has introduced a similar bill, H.R. 2451, in the House. I look forward to working with him and others to help secure the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1562

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 “Small Business Franchise Property Recovery Act of 1999”.

SEC. 2. CLASS LIFE FOR FRANCHISE OPERATIONS.

(a) In General.—Section 168(e)(3)(E) of the Internal Revenue Code of 1986 classifying certain property as 15-year property is amended by striking “and” at the end of the clause (ii), by striking the period at the end of clause (iii) and inserting “; and”, and by adding at the end the following new clause: “(iv) any section 1250 property which is a franchise operation subject to section 1253.”.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 168(g)(3) of such Code is amended by inserting after the item relating to subparagraph (E)(iii) in the table contained therein the following new item:

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To improve the culture of employees, the bill includes a series of measures, including employee buyouts and the ability to bring in outside management executives, that are modeled on those passed by Congress in the 1998 IRS reform bill. The legislation has already achieved a great consensus, having been endorsed by the U.S. Border Patrol Chief Patrol Agent’s Association, the Federal Law Enforcement Officers Association, the American Immigration Lawyers Association, the Hebrew Immigrant Aid Society, and other organizations.

In particular, I would like to thank my cosponsors Senators KENNEDY and HAGEL for working with on this important piece of legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1563
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “INS Reform and Border Security Act of 1999”.
(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>Establishment of Immigration Affairs Agency</td>
</tr>
<tr>
<td>102</td>
<td>Establishment of the Office of the Associate Attorney General for Immigration Affairs</td>
</tr>
<tr>
<td>103</td>
<td>Establishment of Bureau of Immigration Services and Adjudications</td>
</tr>
<tr>
<td>104</td>
<td>Office of Ombudsman within the Service Bureau</td>
</tr>
<tr>
<td>105</td>
<td>Establishment of Bureau of Enforcement and Border Affairs</td>
</tr>
<tr>
<td>106</td>
<td>Exercise of authorities</td>
</tr>
<tr>
<td>107</td>
<td>Savings provisions</td>
</tr>
<tr>
<td>108</td>
<td>Transfer and allocation of appropriations and personnel</td>
</tr>
<tr>
<td>109</td>
<td>Enforcement Office for Immigration Review and Attorney General litigation authorities not affected</td>
</tr>
<tr>
<td>110</td>
<td>Definitions</td>
</tr>
<tr>
<td>111</td>
<td>Effective date</td>
</tr>
</tbody>
</table>

TITLE II—PERSONNEL FLEXIBILITIES
Sec. 201. Improvements in personnel flexibilities
Sec. 202. Voluntary separation incentive payments
Sec. 203. Basis for evaluation of Immigration Affairs Agency employees
Sec. 204. Employee training program
Sec. 205. Effective date

TITLE III—ADDITIONAL PROVISIONS
Sec. 301. Expedited processing of documents
Sec. 302. Funding adjudication and naturalization services
Sec. 303. Increased hiring of Border Patrol agents and support personnel

SEC. 2. IMMIGRATION LAWS OF THE UNITED STATES DEFINED.
In this Act, the term “immigration laws of the United States” means the following:

1) The Immigration and Nationality Act.


7) Such other statutes, Executive orders, regulations, or directives that relate to the admission to, detention in, or removal from the United States of aliens, or that otherwise relate to the status of aliens in the United States.

TITLE I—IMMIGRATION AFFAIRS AGENCY

SEC. 101. ESTABLISHMENT OF IMMIGRATION AFFAIRS AGENCY.
(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice the Immigration Affairs Agency (in this Act referred to as the “Agency”).

(2) COMPONENTS.—The Agency shall consist of:

(A) the Office of the Associate Attorney General for Immigration Affairs established in section 102;

(B) the Bureau of Immigration Services and Adjudications established in section 103;

and

(C) the Bureau of Enforcement and Border Affairs established in section 105.

(b) ASSOCIATE ATTORNEY GENERAL FOR IMMIGRATION AFFAIRS.—

(1) IN GENERAL.—The Agency shall be headed by an Associate Attorney General for Immigration Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) COMPENSATION AT RATE OF PAY FOR EXECUTIVE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof:

“‘Associate Attorney General for Immigration Affairs, Department of Justice.’”

(3) CONFORMING AMENDMENTS.—(A) Section 103(c) of the Immigration and Nationality Act is amended—

(i) by striking the first sentence; and

(ii) in the second sentence, by striking “He” and inserting “The Associate Attorney General for Immigration Affairs”.

(B) Section 105 of such Act is amended by striking “Commissioner” and inserting “Associate Attorney General for Immigration Affairs”.

(C) Section 5315 of title 5, United States Code, is amended by striking the following:

‘‘Commissioner of Immigration and Naturalization, Deputy.”

(d) REPEALS.—The following provisions of law are repealed:

(1) Section 4 of the Act of February 14, 1903, as amended (32 Stat. 826; relating to the establishment of the Immigration and Naturalization Service).

(2) Section 7 of the Act of March 3, 1891, as amended (28 Stat. 1085; relating to the establishment of the office of the Commissioner of Immigration and Naturalization).

(3) Section 4 of the Act of June 20, 1956 (70 Stat. 397; relating to the compensation of assistant commissioners and district directors).

(4) Section 1 of the Act of March 2, 1895 (28 Stat. 780; relating to special immigrant inspectors).

(e) REFERENCES.—Except as otherwise provided in sections 103 and 105, any reference in any statute, rule, Executive order, regulation, agreement, determination, or other official document or proceeding to the Immigration and Naturalization Service shall be deemed to refer to the Immigration Affairs Agency.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Agency such sums as may be necessary to carry out its functions.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 102. OFFICE OF THE ASSOCIATE ATTORNEY GENERAL FOR IMMIGRATION AFFAIRS.
(a) POLICY AND ADMINISTRATIVE FUNCTIONS DEFINED.—In this section, the term “immigration policy and administrative functions” includes the following functions under the immigration laws of the United States:

(1) Inspections at ports of entry in the United States;

(2) Policy and planning formulation on immigration matters;

(3) Information technology, information resources management, provision of records and databases, and the coordination of records and other information in the two bureaus within the Agency;

(4) Such other functions as involve providing resources and other support for the Bureau of Immigration Services and Adjudications (established in section 103) and the Bureau of Enforcement and Border Affairs (established in section 105).

(b) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—There is established within the Agency the Office of the Associate Attorney General for Immigration Affairs (in this title referred to as the “Office”).

(2) GENERAL COUNSEL.—

(A) IN GENERAL.—There shall be within the Office of the Associate Attorney General for Immigration Affairs a General Counsel, who shall be appointed by the Attorney General.

(B) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by adding at the end thereof:

“‘General Counsel, Immigration Affairs Agency’.”

(c) CHIEF FINANCIAL OFFICER FOR THE IMMIGRATION AFFAIRS AGENCY.—

(1) IN GENERAL.—There shall be a position of Chief Financial Officer for the Immigration Affairs Agency and this position shall be a career reserved position within the Senior Executive Service and shall have the authorities and functions described in section 902 of title 31, United States Code, in relation to financial activities related to immigration policy and administrative functions. For purposes of section 902 of title 31, the Associate Attorney General for Immigration Affairs shall be deemed to be the head of the agency. The provisions of section 903 of such title (relating to Deputy Chief Financial Officers) shall also apply in the same manner as the previous sentence.

(d) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by adding at the end thereof:

“‘Chief Financial Officer, Immigration Affairs Agency’.”

(e) RESPONSIBILITIES OF THE OFFICE.—Under the direction of the Attorney General, the Office of the Associate Attorney General for Immigration Affairs shall be responsible for carrying out the immigration policy and administrative functions of the Agency.

(f) DELEGATION OF AUTHORITY BY THE ATTORNEY GENERAL.—A function of immigration policy and administrative functions vested by statute in, or exercised by—

(1) the Attorney General, or

(2) the Commissioner of Immigration and Naturalization, the Immigration and Naturalization Service, or officers, employees, or components thereof,

immediately prior to the effective date of this title shall be exercised by the Attorney General through the Associate Attorney General for Immigration Affairs.

(g) REFERENCES.—Any reference in any statute, rule, Executive order, regulation, agreement, determination, or other official document or proceeding to—
(1) the Commissioner of Immigration and Naturalization or any other officer or employee of the Immigration and Naturalization Service (insofar as such references refer to any immigration policy and administrative function) shall be deemed to refer to the Associate Attorney General for Immigration Affairs; or
(2) the Immigration and Naturalization Service (insofar as such references refer to any immigration policy and administrative function) shall be deemed to refer to the Office of the Associate Attorney General for Immigration Affairs.

SEC. 103. ESTABLISHMENT OF BUREAU OF IMMIGRATION SERVICES AND ADJUDICATION.

(a) IMMIGRATION ADJUDICATION AND SERVICE FUNCTIONS DEFINED.—In this section, the term ‘immigration adjudication and service functions’ means the following functions under the immigration laws of the United States:
(1) Adjudications of nonimmigrant and immigrant visa petitions.
(2) Adjudications of naturalization petitions.
(3) Adjudications of asylum and refugee applications.
(4) Determinations concerning custody, parole, and conditions of parole regarding applicants for asylum detained at ports of entry who do not have prior nonpolitical criminal records and who have been found to have a credible fear of persecution, and responsibility for the detention of any such applicant with respect to whom a determination has been made that detention is required.
(5) Adjudications performed at Service centers.
(6) All other adjudications under the immigration laws of the United States.

(b) ESTABLISHMENT OF BUREAU.—
(1) IN GENERAL.—There is established within the Agency a bureau to be known as the Bureau of Immigration Services and Adjudications (in this section referred to as the ‘‘Service Bureau’’).

(2) SENSE OF CONGRESS.—It is the sense of Congress that the structure of the Service Bureau should be based on the organization of the Social Security Administration.

(c) DIRECTOR.—The head of the Service Bureau shall be the Director of Immigration Services and Adjudications who—
(1) shall be appointed by the President, by and with the advice and consent of the Senate;
and
(2) shall report directly to the Associate Attorney General for Immigration Affairs.

(d) COMPENSATION AT LEVEL IV OF EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

(1) CHIEF FINANCIAL OFFICER FOR THE BUREAU OF IMMIGRATION SERVICES AND ADJUDICATIONS.—
(1) IN GENERAL.—There shall be a position of Chief Financial Officer for the Bureau of Immigration Services and Adjudications and this position shall be a career reserved position within the Senior Executive Service and shall have the responsibilities described in section 902 of title 31, United States Code, in relation to financial activities of the Service Bureau. For purposes of section 902(a)(1) of such title, the Director of the Service Bureau shall be deemed to be the head of the agency. The provisions of section 903 of such title (relating to Deputy Chief Financial Officer for such Bureau) shall be applied to such Bureau in the same manner as the previous sentence applies to such Bureau.

(2) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

Chief Financial Officer, Bureau of Immigration Services and Adjudications and the Immigration Services and Adjudications Regional Commissioners (in this section referred to as the ‘‘Director’’). The regional directors shall be appointed by the President, by and with the advice and consent of the Senate, to four-year terms. The regional directors shall be responsible for line management functions at the regional level. Each regional director shall report directly to the Director. The Director shall maintain an Office of Professional Responsibility and an Office of Government Audit.

SEC. 104. OFFICE OF THE OMBUDSMAN WITHIN THE SERVICE BUREAU.

(a) IN GENERAL.—There is established within the Service Bureau the Office of the Ombudsman, which shall be headed by the Ombudsman.

(b) OMBUDSMAN.—
(1) APPOINTMENT.—The Ombudsman shall be appointed by the Director of the Service Bureau after consultation with the Associate Attorney General for Immigration Affairs and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

(2) COMPENSATION.—The Ombudsman shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5302 of title 5, United States Code, or, if the Attorney General so determines, at a rate fixed under section 5303 of such title.

(c) FUNCTIONS OF OFFICE.—The functions of the Office of the Ombudsman shall include—
(1) assist individuals in resolving service or case problems with the Agency or Service Bureau;
(2) identify areas in which individuals have problems in dealings with the Immigration and Naturalization Agency or Service Bureau;
(3) to the extent possible, propose changes in the administrative practices of the Agency or Service Bureau to mitigate problems identified under paragraph (2); and
(4) monitor the coverage and geographic allocation of local offices of the Service Bureau and, to the extent practicable, ensure that the local telephone number for each local office of the Service Bureau is published and available to individuals served by the office.

(d) PENALTY ACTIONS.—The Ombudsman shall have the responsibility and authority to appoint local or regional representatives of the Ombudsman’s Office in the case of the Ombudsman’s determination that his judgment may be necessary to address and rectify serious service problems.

(e) RESPONSIBILITIES OF DIRECTOR OF THE SERVICE BUREAU.—The Director of the Service Bureau shall establish procedures requiring a formal response to all recommendations submitted to the Director by the Ombudsman within 3 months of submission of the Ombudsman’s reports or recommendations. The Director of the Service Bureau shall meet regularly with the Ombudsman to identify and correct serious service problems.

(f) ANNUAL REPORTS.—
105. ESTABLISHMENT OF BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.

(a) IMMIGRATION ENFORCEMENT FUNCTIONS DELEGATED.—In this section, the term "immigration enforcement functions" means the following functions under the immigration laws of the United States:

(1) Border Patrol program.

(2) The detention program (except as specified in section 103(a)).

(3) The deportation program.

(4) The investor program.

(5) The investigations program.

(b) ESTABLISHMENT OF BUREAU.—

(1) IN GENERAL.—There is established within the Agency a bureau to be known as the Bureau of Enforcement and Border Affairs (in this section referred to as the "Enforcement Bureau").

(2) SUPERVISION.—It is the sense of Congress that the Enforcement Bureau be organized in accordance with the "best practices" of other federal law enforcement agencies, including the Federal Bureau of Investigation and the Drug Enforcement Agency.

(c) DIRECTOR.—The head of the Enforcement Bureau shall be the Director of the Bureau of Enforcement and Border Affairs who—

(A) shall be appointed by the President, by and with the advice and consent of the Senate; and

(B) shall report directly to the Associate Attorney General for Immigration Affairs.

(d) COMPENSATION AT LEVEL IV OF EXECUTIVE OFFICIALS.—The compensation of the Director of the Enforcement Bureau shall be prescribed in section 902 of title 31, United States Code, is amended by adding at the end the following:

"Chief Financial Officer, Bureau of Enforcement and Border Affairs."; and

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Enforcement Bureau such sums as may be necessary to carry out its functions.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

106. EXERCISE OF AUTHORITY.

Except as otherwise provided by law, a Federal official to whom a function is transferred pursuant to this title may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official before the effective date of the transfer of the function pursuant to this title.

107. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of Immigration and Naturalization, or any other officer or employee of the Immigration and Naturalization Service, the Drug Enforcement Administration, or the Drug Enforcement Agency, shall continue in effect according to their terms as in effect on such effective date; and

(2) that are in effect on the effective date of such transfer (or become effective after such transfer) pursuant to such terms as in effect on such effective date; shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with the provisions of section 902 of title 31, United States Code, in relation to financial activities of the Enforcement Bureau. For purposes of section 902(a)(1) of such title, the Director of the Enforcement Bureau shall be deemed to be the head of the agency. The provisions of section 902(a)(1) of such title (relating to Deputy Chief Financial Officers) shall also apply to such Bureau in the same manner as the previous sentence applies to such Bureau.

(b) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Chief Financial Officer, Bureau of Enforcement and Border Affairs of the Immigration Affairs Agency."; and

(c) RESPONSIBILITIES OF THE BUREAU.—Sub- ject to the policy guidance of the Associate Attorney General for Immigration Affairs, the Enforcement Bureau shall be responsible for carrying out the immigration enforcement functions as defined in section 105 of this title.

(d) DELEGATION OF AUTHORITY BY THE ATTORNEY GENERAL.—All immigration enforcement functions vested by statute in, or exercised by—

(1) the Attorney General, or

(2) the Commissioner of Immigration and Naturalization, the Immigration and Naturalization Service, officers, employees, or components thereof—

immediately prior to the effective date of this title shall be exercised by the Attorney General through the Associate Attorney General for Immigration Affairs and the Director of the Enforcement Bureau.

(e) CHIEF FINANCIAL OFFICER FOR THE BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.—

(1) IN GENERAL.—There shall be a position of Chief Financial Officer for the Bureau of Enforcement and Border Affairs and this position shall be a career reserved position within the Senior Executive Service and the incumbent shall have been selected and approved by the Ombudsman during the fiscal year ending in that calendar year. Any such report shall contain a full and substantive analysis, in addition to statistical information,

which no action has been taken, the period during which action remains to be completed and which action has been taken, and the result

problems encountered by individuals, including

providing a description of the nature of such prob-

lems;

immediately prior to the effective date of this title shall be exercised by the Attorney General through the Associate Attorney General for Immigration Affairs and the Director of the Enforcement Bureau.

(f) ORGANIZATION.—The Director of the Enforcement Bureau shall establish field offices in major cities and regions of the United States. The locations shall be selected according to trends in illegal immigration, while taking into account the need for regional centralization, and the need to manage resources efficiently. Field offices shall also establish satellite offices as needed.

(g) OFFICE OF PROFESSIONAL RESPONSIBILITY.—There shall be within the Enforcement Bureau, an Office of Professional Responsibility that shall have the responsibility of receiving charges of misconduct or ill treatment made by the public and investigating the charges and providing an appropriate remedy or disposition.

(h) TRAINING OF PERSONNEL.—The Director of the Enforcement Bureau, in consultation with the Associate Attorney General for Immigration Affairs, shall have responsibility for determining the law enforcement training for all personnel of the Enforcement Bureau.

(i) REFERENCES.—Any reference in any statute of the United States to the Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Commissioner of Immigration and Naturalization or any other officer or employee of the Immigration and Naturalization Service (insofar as such references refer to any immigration enforcement function) shall be deemed to refer to the Director of the Enforcement Bureau; or

(2) the Immigration and Naturalization Service (insofar as such references refer to immigration enforcement function) shall be deemed to refer to the Enforcement Bureau.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Enforcement Bureau such sums as may be necessary to carry out its functions.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.
SEC. 108. TRANSFER AND ALLOCATION OF AP-PROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—The personnel of the Department of Justice employed in connection with the functions transferred pursuant to this title (and functions that the Attorney General determines are properly related to the functions of the Office of the Service Bureau, or the Enforcement Bureau would, if so transferred, further the purposes of the Office and Bureau), and assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title, shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

(b) DATABASES.—The Associate Attorney General for Immigration Affairs, with the assistance of the Attorney General, shall ensure that the Immigration Affairs Agency’s databases and those of the Service Bureau and the Enforcement Bureau are integrated with the databases of the Executive Office for Immigration Review in such a way as to permit—

(1) the electronic docketing of each case by date of service upon an alien of the notice to appear at the deportation proceeding (or an order to show cause in the case of a deportation proceeding); and

(2) the tracking of the status of any alien throughout the contact with United States immigration authorities without regard to whether the entity with jurisdiction over the alien is the Immigration Affairs Agency, the Executive Office for Immigration Review, the Enforcement Bureau, or the Executive Office for Immigration Review.

SEC. 109. EXCLUSIVE OFFICE FOR IMMIGRATION REVIEW AND ATTORNEY GENERAL LITIGATION AUTHORITIES NOT AFFECTED.

Nothing in this title may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by—

(1) the Executive Office for Immigration Review of the Department of Justice, or any officer, employee, or component thereof, or

(2) the Attorney General with respect to the institution of any proceeding, or the institution or defense of any action or appeal, in any court of the United States established by Act of Congress or to the extent that, the employee’s total annual compensation payable at the salary set in accordance with section 104 of title 3.

SEC. 110. DEFINITIONS.

For purposes of this title:

(1) FUNCTION.—The term “function” includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or property.

(2) OFFICE.—The term “office” includes any office or program.

SEC. 111. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect 18 months after the date of enactment of this Act.

TITLE II—PERSONNEL FLEXIBILITIES

SEC. 201. IMPROVEMENTS IN PERSONNEL FLEXIBILITIES.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by adding at the end thereof the following new subpart:

“Subpart J—Immigration Affairs Agency Personnel

CHAPTER 96—IMMIGRATION AFFAIRS FLEXIBILITIES RELATING TO THE IMMIGRATION AGENCIES

“Sec.

9601. Immigration Affairs Agency personnel flexibilities.

9602. Pay authority for critical positions.

9603. Streamlined critical pay authority.

9604. Recruitment, retention, relocation incentives, and relocation expenses.

9605. Performance awards for senior executive service.

9606. Immigration Affairs Agency personnel flexibilities.

(a) Any flexibilities provided by sections 9602 through 9610 of this chapter shall be exercised in a manner consistent with—

(1) chapter 23 (relating to merit system principles and prohibited personnel practices);

(2) provisions relating to preference eligibles;

(3) except as otherwise specifically provided, section 5307 (relating to the aggregate limitation on pay);

(4) except as otherwise specifically provided, chapter 71 (relating to labor-management relations); and

(b) the provisions relating to income-based to the extent that, the employee’s total annual compensation payable at the salary set in accordance with section 104 of title 3.

9602. Pay authority for critical positions.

(a) When the Attorney General seeks a grant of authority under section 5377 for critical pay for 1 or more positions at the Immigration Affairs Agency, the Office of Management and Budget may fix the rate of basic pay, notwithstanding sections 5377(d)(2) and 5378, at any rate up to the salary set in accordance with section 5378.

(b) Notwithstanding section 5307, no allowance, differential, bonus, award, or similar cash payment may be paid to any employee receiving critical pay for a fixed period of time, under section 5307, nor shall such critical pay be subject to any other provision.

9603. Streamlined critical pay authority.

(a) Notwithstanding section 9602, and with regard to the provisions of this title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 (relating to classification and pay rates), the Attorney General may, for a period of 10 years after the date of enactment of this section, establish, fix the compensation of, and appoint individuals to, positions not specifically provided for by section 9602 of this title, and to the extent that, the employee’s total annual compensation payable at the salary set in accordance with section 104 of title 3.

9603. Streamlined critical pay authority.

(a) Notwithstanding section 9602, and with regard to the provisions of this title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 (relating to classification and pay rates), the Attorney General may, for a period of 10 years after the date of enactment of this section, establish, fix the compensation of, and appoint individuals to, positions not specifically provided for by section 9602 of this title, and to the extent that, the employee’s total annual compensation payable at the salary set in accordance with section 104 of title 3.
“(2) exercise of the authority is necessary to recruit or retain an individual exceptionally well qualified for the position;

(3) the number of such positions does not exceed 20 percent of the total number of positions under this section for any one time;

(4) designation of such positions are approved by the Attorney General;

(5) terms of such appointments are limited to not more than 4 years;

(6) appointees to such positions were not Immigration Affairs Agency employees prior to July 1, 1999;

(7) total annual compensation for any appointee to such positions does not exceed the highest total annual compensation payable at the rate determined under section 104 of title 5, United States Code;

(8) all such positions are excluded from the collective bargaining unit.

(b) Individuals appointed under this section to be employees for purposes of subchapter II of chapter 75.

§ 9604. Recruitment, retention, relocation incentives, and relocation expenses (a) For a period of 10 years after the date of enactment of this section and subject to approval by the Office of Personnel Management, the Attorney General may provide for variations from sections 5753 and 5754 governing recruitment, relocation, and retention incentives.

(b) For a period of 10 years after the date of enactment of this section, the Attorney General may pay from appropriations made to the Immigration Affairs Agency allowable relocation expenses under section 572aa for employees (including reemployed performance, and allowable travel and transportation expenses under section 5723 for new appointees, for any new appointee appointed to a position for which pay is fixed under title 5, United States Code.

§ 9605. Performance awards for senior executives (a) For a period of 10 years after the date of enactment of this section, Immigration Affairs Agency senior executives who have program management responsibility over significant functions of the Immigration Affairs Agency may be paid a performance bonus without regard to the limitation in section 5388(b)(2) if the Attorney General finds such award warranted based on the executive's performance.

(b) In evaluating an executive's performance for purposes of an award under this section, the Attorney General shall determine the aggregate amount of performance awards available to be paid during any fiscal year under this section and section 5384 to career senior executives in the Immigration Affairs Agency.

(c) Any award in excess of 20 percent of an executive's rate of basic pay shall be approved by the Attorney General.

(d) Notwithstanding section 5384(b)(3), the Attorney General shall determine the aggregate amount of performance awards available to be paid during any fiscal year under this section and section 5384 to career senior executives in the Immigration Affairs Agency.

(e) Any award under this section to make other positions available to employees transferred or reemployed and allowable travel and transportation expenses under section 5724a for employees transferred or reemployed and relocation expenses under section 5724 for any new appointee appointed to a position for which pay is fixed under title 5, United States Code.

§ 9606. Recruitment, retention, relocation incentives, and relocation expenses

(a) For a period of 10 years after the date of enactment of this section, the Immigration Affairs Agency shall be entitled to receive an amount equal to 5 percent of the aggregate amount of basic pay paid to career senior executives in the Department of the Justice other than the Immigration Affairs Agency during the fiscal year.

(b) Appointment under this section to make other positions available to employees transferred or reemployed and allowable travel and transportation expenses under section 5724a for employees transferred or reemployed and relocation expenses under section 5724 for any new appointee appointed to a position for which pay is fixed under title 5, United States Code.

§ 9607. Performance awards and calculation of basic pay for performance

(a) Performance awards and calculation of basic pay for performance

(b) Performance awards and calculation of basic pay for performance

(c) Performance awards and calculation of basic pay for performance

(d) Performance awards and calculation of basic pay for performance

(e) Performance awards and calculation of basic pay for performance

(f) Performance awards and calculation of basic pay for performance

§ 9608. Retirement, relocation incentives, and relocation expenses

(a) Retirement, relocation incentives, and relocation expenses

(b) Retirement, relocation incentives, and relocation expenses

(c) Retirement, relocation incentives, and relocation expenses

(d) Retirement, relocation incentives, and relocation expenses

(e) Retirement, relocation incentives, and relocation expenses

(f) Retirement, relocation incentives, and relocation expenses

§ 9609. Voluntary separation incentive payments

(a) Voluntary separation incentive payments

(b) Voluntary separation incentive payments

(c) Voluntary separation incentive payments

(d) Voluntary separation incentive payments

(e) Voluntary separation incentive payments

(f) Voluntary separation incentive payments

§ 9610. Senior executive personnel

(a) Senior executive personnel

(b) Senior executive personnel

(c) Senior executive personnel

(d) Senior executive personnel

(e) Senior executive personnel

(f) Senior executive personnel

§ 9611. Immigration Affairs Agency personnel

(a) Immigration Affairs Agency personnel

(b) Immigration Affairs Agency personnel

(c) Immigration Affairs Agency personnel

(d) Immigration Affairs Agency personnel

(e) Immigration Affairs Agency personnel

(f) Immigration Affairs Agency personnel

§ 9603. Recruitment, retention, relocation incentives, and relocation expenses

(a) Recruitment, retention, relocation incentives, and relocation expenses

(b) Recruitment, retention, relocation incentives, and relocation expenses

(c) Recruitment, retention, relocation incentives, and relocation expenses

(d) Recruitment, retention, relocation incentives, and relocation expenses

(e) Recruitment, retention, relocation incentives, and relocation expenses

(f) Recruitment, retention, relocation incentives, and relocation expenses

§ 9602. Voluntary separation incentive payments

(a) Voluntary separation incentive payments

(b) Voluntary separation incentive payments

(c) Voluntary separation incentive payments

(d) Voluntary separation incentive payments

(e) Voluntary separation incentive payments

(f) Voluntary separation incentive payments

§ 9612. Additional immigration affairs agency contributions to the retirement fund

(a) Additional immigration affairs agency contributions to the retirement fund

(b) Additional immigration affairs agency contributions to the retirement fund

(c) Additional immigration affairs agency contributions to the retirement fund

§ 9613. Student loan repayment program

(a) Student loan repayment program

(b) Student loan repayment program

(c) Student loan repayment program

(d) Student loan repayment program

§ 9614. Employment with the government

(a) Employment with the government

(b) Employment with the government

(c) Employment with the government

(d) Employment with the government

§ 9615. Use of voluntary separations

(a) Use of voluntary separations

(b) Use of voluntary separations

(c) Use of voluntary separations

(d) Use of voluntary separations

§ 9616. Immigration affairs agency employee training program

(a) Immigration affairs agency employee training program

(b) Immigration affairs agency employee training program

(c) Immigration affairs agency employee training program

(d) Immigration affairs agency employee training program

§ 9617. Immigration affairs agency employee training program

(a) Immigration affairs agency employee training program

(b) Immigration affairs agency employee training program

(c) Immigration affairs agency employee training program

(d) Immigration affairs agency employee training program

§ 9618. Immigration affairs agency employee training program

(a) Immigration affairs agency employee training program

(b) Immigration affairs agency employee training program

(c) Immigration affairs agency employee training program

(d) Immigration affairs agency employee training program

§ 9619. Immigration affairs agency employee training program

(a) Immigration affairs agency employee training program

(b) Immigration affairs agency employee training program

(c) Immigration affairs agency employee training program

(d) Immigration affairs agency employee training program

§ 9620. Basis for evaluation of immigration affairs agency employees

(a) Basis for evaluation of immigration affairs agency employees

(b) Basis for evaluation of immigration affairs agency employees

(c) Basis for evaluation of immigration affairs agency employees

(d) Basis for evaluation of immigration affairs agency employees

§ 9621. Effect of surcharge on employment with the government

(a) Effect of surcharge on employment with the government

(b) Effect of surcharge on employment with the government

(c) Effect of surcharge on employment with the government

§ 9622. Voluntary separation incentives

(a) Voluntary separation incentives

(b) Voluntary separation incentives

(c) Voluntary separation incentives

(d) Voluntary separation incentives

§ 9623. Federal retirement systems

(a) Federal retirement systems

(b) Federal retirement systems

(c) Federal retirement systems

(d) Federal retirement systems

§ 9624. Retention bonuses

(a) Retention bonuses

(b) Retention bonuses

(c) Retention bonuses

(d) Retention bonuses

§ 9625. Federal retirement systems

(a) Federal retirement systems

(b) Federal retirement systems

(c) Federal retirement systems

(d) Federal retirement systems

§ 9626. Federal retirement systems

(a) Federal retirement systems

(b) Federal retirement systems

(c) Federal retirement systems

(d) Federal retirement systems

§ 9627. Federal retirement systems

(a) Federal retirement systems

(b) Federal retirement systems

(c) Federal retirement systems

(d) Federal retirement systems
TITLE III—ADDITIONAL PROVISIONS

SEC. 301. EXPEDITED PROCESSING OF DOCUMENTS.

(a) 30-DAY PROCESSING OF "H-1B", "L", "O", OR "P-1" NONIMMIGRANTS.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(1)) is amended by adding at the end the following:

"The Attorney General shall provide a process for reviewing and acting upon petitions under this subsection with respect to nonimmigrants described in section 101(a)(15)(H)(i)(b), (L), (O), or (P)(i) within 30 days after the date a completed petition has been filed.".

(b) 30-DAY PROCESSING OF "R" NONIMMIGRANTS.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(10) The Attorney General shall provide a process for reviewing and acting upon petitions under this subsection with respect to nonimmigrants described in section 101(a)(15)(R) within 30 days after the date a completed petition has been filed.".

(c) 60-DAY PROCESSING OF IMMIGRANTS.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(1) The Attorney General shall provide a process for reviewing and acting upon petitions under this subsection with respect to nonimmigrants described in section 101(a)(15)(R) within 60 days after the date a completed petition has been filed.".

(d) 90-DAY PROCESSING OF ADJUSTMENT OF STATUS APPLICATIONS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1155) is amended by adding at the end the following:

"(1) The Secretary of the Department of Homeland Security shall provide a process for reviewing and acting upon petitions under this subsection within 90 days after the date a completed petition has been filed.".

(e) 90-DAY PROCESSING OF IMMIGRANT VISA APPLICATIONS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following:

"(4) The Secretary of the Department of Homeland Security shall provide a process for reviewing and acting upon petitions under this subsection within 90 days after the date a completed petition has been filed.".

(f) RESENTRY PERMITS.—Section 233 of the Immigration and Nationality Act (8 U.S.C. 1223) is amended by adding at the end the following:

"(1) Exception.—No permit shall be required for a permanent resident who is transferred abroad temporarily as a result of employment or with the written consent of his or her overseas parent, subsidiary, or affiliate.".

(g) ELECTRONIC FILING.—Not later than one year after the date of enactment of this Act, the Attorney General shall establish a demonstration project regarding the feasibility of electronically filing of petitions with respect to nonimmigrants described in section 101(a)(15)(H), (L), (O), or (P)(i), or of the Immigration and Nationality Act. The demonstration project shall utilize a representative number of employers who seek to employ nonimmigrants.

The demonstration project shall make provision for payment by the employer of related fees through the establishment of an account with the Immigration and Naturalization Service or through a credit card. Within 2 years of the date of enactment of this Act, the Attorney General shall establish a feasibility study demonstrating the feasibility of offering electronic filing to all petitioners.

(h) REPORT.—Section 214(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(8)) is amended by adding at the end the following new subparagraph:

"(P) The average processing time of each such type of petition shall be reported annually and quarterly.".

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect 6 months after the date of the enactment of this Act.

SEC. 302. FUNDING ADJUDICATION AND NATURALIZATION SERVICES.

Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1168(m)) is amended by adding at the end the following:

"(1) by striking "Provided further," and all that follows through "immigrants," and inserting the following: "Each fee collected for the provision of adjudication or naturalization service may be used only to fund adjudication or naturalization services or the costs of similar services provided without charge to asylum or refugee applicants;"; and

"(2) by adding at the end the following new sentences: "Nothing in this subsection shall be construed to modify the conditions specified in section 205(a)(15)(R) for the expenditure of the fees authorized under section 214(c)(9). There are authorized to be appropriated such sums as necessary to carry out the provisions of section 205 through 209 of this Act.".

SEC. 303. INCREASE IN BORDER PATROL AGENTS AND SUPPORT PERSONNEL.


By Mr. SARBANES (for himself, Mr. Edwards, Mr. Bayh, and Mr. Kerry):

S. 1565. A bill to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

AMERICA’S PRIVATE INVESTMENT COMPANIES

• Mr. SARBANES. Mr. President, I am pleased to introduce today legislation to establish ‘‘America’s Private Investment Companies,’’ or APIC. This legislation is part of President Clinton’s New Markets Initiative,” which I am also pleased to be able to support.

The New Markets Initiative, of which APIC is a crucial element, is an important response to economic problems that persist in many neighborhoods and communities in our urban and rural areas. These communities have been bypassed by the increased investment, job growth, and income increases that have characterized this unprecedented period of economic expansion. Indeed, the areas that would benefit from the New Markets Initiative are experiencing increased poverty levels, increased isolation, and ongoing joblessness and decay.

Yet, research increasingly shows that most of these areas represent good economic opportunities for American business. Michael Porter, a renowned business analyst who has written widely on competitiveness at both the firm and national levels, has written that a . . . major advantage of the inner city as a business location is a large, underserved local market . . . . In fact, inner cities are the largest underserved market in America, with many tens of billions of dollars of unmet consumer and business demand.

Another group called Social Compact has done intensive studies of laying power in a number of communities around the country. These studies confirm Porter’s earlier work. Social Compact estimated retail spending power in two communities in Chicago. Residents in those communities have incomes of over $67,000 million whereas the median income in the second community is under $30,000. Yet, on a per acre basis, the lower income community has more than twice the spending power of the first.

Moreover, as labor markets grow tighter and tighter, inner cities have the advantage of an “available, loyal workforce,” to again quote Mr. Porter. We should encourage business to take advantage of these opportunities. The APIC program provides that push. This bill gives the Department of Housing and Urban Development (HUD), together with the Small Business Administration (SBA), the authority to provide low-cost loans on a matching basis to specially constituted investment companies, called APICs, that raise private equity capital for investment in businesses in low-income areas.

Individual APICs will operate in a manner similar to Small Business Investment Companies (SBICs), a very successful program that helps fund start up small business. APIC will target the program goals and criteria. They will have their money, and the money of their investors, at risk, making the government’s loan much more secure.

This program requires a very small federal investment—just $36 million in credit subsidy—to create an estimated $7.5 billion of private investment. This debt will, in turn, generate $500 million in private equity per year, or $7.5 billion over the next five years. APICs would use these funds, for example, to help a business establish a new back-office facility for a distribution plant in a low income area. APICs could invest in the development of multi-tenant shopping centers, or in distribution plant in a low income area. APICs could invest in the development of multi-tenant shopping centers, or in distribution plant in a low income area.

AMERICA’S PRIVATE INVESTMENT COMPANIES

The APIC program is essentially a private-sector venture in partnership with the public sector. The managers of the individual APICs will make the investment decisions according to the program goals and criteria. They will have their money, and the money of their investors, at risk, making the government’s loan much more secure.

This program requires a very small federal investment—just $36 million in credit subsidy—to create an estimated $7.5 billion of private investment. This debt will, in turn, generate $500 million in private equity per year, or $7.5 billion over the next five years. APICs would use these funds, for example, to help a business establish a new back-office facility for a distribution plant in a low income area. APICs could invest in the development of multi-tenant shopping centers, or in industrial parks. Combined with the New Market Tax Credit being introduced by my colleagues, Senators ROCKEFELLER and Senator ROBORS, APIC will help create important new economic opportunities in parts of America that have not yet been touched by
the economic prosperity most of us enjoy.

Mr. President, I ask that letters of support be printed in the RECORD.

The letters follow:

NEW YORK CITY INVESTMENT FUND,

August 2, 1999.

Senator PAUL SARBANES, U.S. Senate, Washington, DC.

Dear Senator SARBANES: We are writing in support of a new initiative proposed by the Department of Housing and Urban Development and the Small Business Administration, that is, America’s Private Investment Companies Bill. We have provided input into the proposed legislation and believe that this bill could leverage significant new private investment in communities that are not fully participating in our otherwise thriving national economy.

We established the New York City Investment Fund in 1996 to stimulate business development and job-generating activities across the five boroughs, with a particular emphasis on low and moderate-income communities. Our investors include many of the city’s leading financial institutions, corporations and business leaders, each of whom put up $1 million and committed the resources of their organization to support our work. With $80 million under management, the Fund has already invested some $20 million in projects that will generate more than 4,000 new jobs. Most important, we have mobilized the city’s business and financial leadership to become personally involved with our portfolio projects, providing business expertise and strategic alliances that are essential for bringing disadvantaged communities into the economic mainstream.

Based on our experience, we can confirm that there is a severe shortage of equity and debt financing for largescale projects in low-income areas. Issues associated with site assemblage, brownfields remediation, high construction costs in urban centers, and low property appraisals in the inner city all contribute to the need for federal incentives to stimulate investment in job-generating development projects targeted to these areas. At the same time, many existing businesses operating in these areas cannot attract conventional financing to modernize or expand. We have seen a number of opportunities where our Fund’s resources could have been useful, but only if we could leverage additional risk capital from other sources. The APIC program would be a unique source of capital and partial loan guarantees that our Fund could definitely put to work in the inner-city communities of New York for new development and retention/expansion of businesses that may otherwise disappear.

We urge you to move this bill forward, in conjunction with the proposed New Markets Tax Credit proposal, and express our willingness to work with the federal government to carry out the mission of APIC once it is enacted.

Sincerely,

HENRY R. KRAVIS.

KATHRYN WYLDE.

Local Initiatives Support Corporation,

July 30, 1999.

Hon. PAUL SARBANES, U.S. Senate, Senate Committee on Banking and Financial Services, Washington, DC.

Dear Senator SARBANES: Local Initiatives Support Corporation strongly supports the proposed America’s Private Investment Companies (APICs) legislation and urges you to make it a priority. We believe that APICs, along with their companion New Markets Tax Credits, offer the most exciting opportunity in a generation for the economic development of low-income urban and rural communities.

LISC is the nation’s largest nonprofit resource for low-income development. In almost 20 years, LISC has raised over $3 billion from the private sector to invest in low-income urban and rural areas through community development corporations (CDCs). Last year alone, LISC provided over $900 million through 41 local programs and a national rural initiative.

Each year more communities are becoming ripe for economic development. For example, LISC is involved in 20 major re- tail projects, a total of $2 billion, in some of the toughest neighborhoods in America. Smart business leaders are beginning to discover that these untapped markets offer profitable opportunities. The expanding economy is one reason. More important, though, have been the many years of painstaking work rebuilding housing, removing blight, reducing crime, and restoring confidence.

We know from experience that this progress does not come easily. Assembling financing and constructing a modern business facility are costly and time consuming, and arranging the financing is difficult. But the payoff for communities and the nation—in jobs, income, business services, and social stability—is well worth it.

That’s why APICs are the right idea at the right time. They would help experienced community development groups to seize economic development activities. These new instruments reflect what works—markets discipline, private risk taking and decision making, and genuine partnership among communities, business leaders, and government. APICs would have to raise at least one dollar of private equity in addition to $1 million or less in federal financing. Moreover, the private investors would have to lose their entire stake before any federally guaranteed loan can be called. This structure will generate prudent underwriting without excessive government interference. The APIC structure permits a modest $75 million in credit subsidies to generate $1.5 billion in economic development—a remarkably cost-effective federal investment.

I hope you will enthusiastically support APICs and the New Markets Tax Credits. We would be pleased to work with you on this exciting agenda.

Sincerely,

MICHAEL RUBINGER,

President and Chief Executive Officer.

By Mr. ALLARD:

S.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States granting the President the authority to exercise an item veto of individual appropriations in an appropriations bill; to the Committee on the Judiciary.

THE LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

Mr. ALLARD. Mr. President, the federal budget is prominent right now as we discuss the spending policies that will guide Congress through the coming fiscal year. As part of these discussions, I would like to bring up an important issue that many members have supported in the past. I am here today to introduce a line-item veto constitutional amendment.

Prior to my election to the Senate I served in the House of Representatives. In that body I introduced a constitutional line-item veto on several occasions. This was motivated by my view that the greatest threat to our economy was deficit spending which is still adding to the accumulated $5.6 trillion national debt. As a Member of the Senate, I introduced this legislation again in 1997. This occurred when the Federal district court declared the enacted statutory line-item veto, or more accurately, enhanced rescission authority, to be unconstitutional.

In 1998, Congress gave the President the power generally accorded to an expanded rescission authority when it passed the Line Item Veto Act. All Presidents, beginning with George Washington, had impoundment authority similar to what the Line Item Veto Act intended until Congress limited rescission authority in 1974 under the Impoundment Control Act.

Ultimately the Supreme Court upheld the district court ruling in Clinton v. City of New York, where the Line Item Veto Act was ruled unconstitutional on grounds that it violates the presentment clause. Now a presidential line-item veto can only be provided by amending the Constitution, and that is where we seek to do with this legislation.

Governors in 33 states have some type of line item veto. This is consistent with the approach taken in most state constitutions of providing a greater level of detail concerning the budget process than is contained in the U.S. Constitution. In my view, the line item veto has been an important factor in the more responsible budgeting that occurs at the state level.

Colorado gives line item veto authority to the governor, and that power, along with a balanced budget requirement in the state constitution, has worked well and insured that Colorado has been governed in a fiscally responsible manner regardless of who served in the legislature or in the governor’s office.

I believe it is time that we take the approach of the states. In order to do this we must enact a Constitutional Amendment. Under section 7 of the Constitution, the President’s veto authority has been interpreted to mean that he must sign or veto an entire piece of legislation.

The Constitution reads: “Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approve he shall sign it, but if he shall return it, his Objection to that House in which it shall have originated, * * *’ this section then proceeds to outline the procedures by which Congress may override this veto with a two-thirds vote of both houses. The amendment we are introducing today amends this language as it pertains to appropriations bills. It specifically provides that the President shall have the power to disapprove any appropriation of an appropriations bill at the time the President approves the bill.

This change will make explicit that the President is no longer confined to...
either vetoing or signing an entire bill, but that he may choose to single out certain appropriations for veto and still sign a portion of the bill.

A constitutional amendment ensuring that the President has line-item veto authority over congressional spending bills is an important tool in our continuing efforts to restore fiscal responsibility to the Federal government.

Mr. President, I look forward to further discussion on this important issue. We must seriously consider a constitutional amendment to allow the line item veto, and I hope that my colleagues will support this amendment or similar language in the Senate.

ADDITIONAL COSPONSORS

At the request of Mr. Grassley, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 35, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long-term care insurance costs of all individuals who are not eligible to participate in employer-subsidized long-term care health plans.

At the request of Ms. Snowe, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 72, a bill to amend title X, United States Code, to restore the eligibility of veterans for benefits resulting from injury or disease attributable to the use of tobacco products during a period of military service, and for other purposes.

At the request of Mr. Bunning, the names of the Senator from Massachusetts (Mr. Kerry) and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled disabled individuals from being required to graduate medical education programs.

At the request of Mr. Grassley, the name of the Senator from Hawaii (Mr. Akaka) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

At the request of Mr. Grassley, the name of the Senator from Hawaii (Mr. Akaka) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

At the request of Mr. Campell, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIA's or American Korean War POW/MIA's may be present, if those nationals assist in the return of United States to the United States of those POW/MIA's alive.

At the request of Mr. Gorton, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

At the request of Mr. Wellstone, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 619, a bill to provide for a community development venture capital program.

At the request of Mr. Mack, the name of the Senator from Washington (Mr. Gorton) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

At the request of Mr. Chafee, the name of the Senator from Louisiana (Mr. Breaux) was added as a cosponsor of S. 662, a bill 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.

At the request of Mr. Chafee, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

At the request of Mr. DSMobile, the name of the Senator from Missouri (Mr. Ashcroft) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

At the request of Mr. Daschle, the name of the Senator from Nebraska (Mr. Kerrey) was added as a cosponsor of S. 709, a bill to amend the Housing and Community Development Act of 1974 to establish and sustain viable rural and remote communities, and to provide affordable housing and community development assistance to rural areas with excessively high rates of outmigration and low per capita income levels.

At the request of Mr. Ashcroft, the name of the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

At the request of Mr. Thurmond, the name of the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

At the request of Mr. Durbin, the name of the Senator from Georgia (Mr. Chabert) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

At the request of Mr. Chafee, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

At the request of Mr. Roth, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 867, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

At the request of Mr. Bunning, the names of the Senator from Massachusetts (Mr. Kerry) and the Senator from
Hawaii (Mr. Inouye) were added as cosponsors of S. 886, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program.

At the request of Mr. Cleland, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. 894, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurances is made available to Federal employees and annuitants, and for other purposes.

At the request of Mr. Lieberman, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of S. 985, a bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes.

At the request of Mr. DeWine, the name of the Senator from Washington (Mr. Gorton) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

At the request of Mr. Kohl, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family’s eligibility for, or amount of, assistance under that program.

At the request of Mr. McCaskill, the name of the Senator from North Carolina (Mr. Helsm) was added as a cosponsor of S. 1043, a bill to provide freedom from regulation by the Federal Communications Commission for the Internet.

At the request of Mr. Bond, the name of the Senator from Tennessee (Mr. Thompson) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

At the request of Mr. Reid, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 1139, a bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes.

At the request of Mr. Thompson, the name of the Senator from Michigan (Mr. Abraham) was added as a cosponsor of S. 1214, a bill to ensure the liberty of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes.

At the request of Mr. Thompson, the name of the Senator from Oklahoma (Mr. Inhofe) was withdrawn as a cosponsor of S. 1214, supra.

At the request of Mr. McConnell, the names of the Senator from Alabama (Mr. Sessions) and the Senator from North Carolina (Mr. Helsm) were added as cosponsors of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

At the request of Mr. Nickles, the name of the Senator from Florida (Mr. Mack) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to expand management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

At the request of Mr. Grassley, the names of the Senator from Nevada (Mr. Reid) and the Senator from Connecticut (Mr. Dodd) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

At the request of Mr. Cochran, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 1293, a bill to establish a Congressional Recognition for Excellence in Arts Education Board.

At the request of Mr. Harkin, the names of the Senator from Nevada (Mr. Reid) the Senator from Massachusetts (Mr. Kennedy) and the Senator from Minnesota (Mr. Wellstone) were added as cosponsors of S. 1300, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee’s accrued benefit under a defined plan by the adoption of a plan amendment reducing future accruals under the plan.

At the request of Mr. Akaka, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 1334, a bill to amend chapter 63 of title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

At the request of Mr. Jeffords, the name of the Senator from Tennessee (Mr. Bono) was added as a cosponsor of S. 1358, a bill to amend title XVIII of the Social Security Act to provide more equitable payments to home health agencies under the medicare program.

At the request of Mr. Jeffords, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

At the request of Mr. Campbell, the name of the Senator from Georgia (Mr. Cleland) was added as a cosponsor of S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

At the request of Mr. Jeffords, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 1462, a bill to amend the Federal Food, Drug, and Cosmetic Act to permit importation in personal baggage and through mail order of certain covered products for personal use from Canada, and for other purposes.

At the request of Ms. Snowe, the names of the Senator from California (Mrs. Feinstein) and the Senator from New Mexico (Mr. Bingaman) were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

At the request of Mr. Voinovich, the names of the Senator from Kentucky (Mr. Bunning) and the Senator from Ohio (Mr. DeWine) were added as cosponsors of Senate Concurrent Resolution 49, a concurrent resolution expressing the sense of Congress regarding the importance of “family friendly” programming on television.
At the request of Mr. Cochran, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of Senate Resolution 128, a resolution designating March 2000, as “Arts Education Month.”

At the request of Mr. Enzi the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of amendment No. 1489 intended to be proposed to H.R. 2466, a bill making appropriations for the Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

At the request of Mr. Smith the names of the Senator from Oregon (Mr. Wyden), the Senator from Wisconsin (Mr. Kohl), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mrs. Murray), and the Senator from Wisconsin (Mr. Feingold) were added as cosponsors of amendment No. 1233, an original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

Resolved by the Senate (the House of Representatives concurring), That Congress urges the Administration to protect the sovereignty of the United States by aggressively opposing the global “bit tax” proposed in the Human Development Report 1999 published by the United Nations Development Programme.

Mr. Ashcroft submitted the following resolution; which was referred to the Committee on Armed Services:

Whereas the Internet has become a highly valuable tool for the arts, businesses, and as a communications and computing product and service, for the fiscal year ending September 30, 2000, and for other purposes.

Resolved by the Senate (the House of Representatives concurring), That Congress urges the Administration to protect the sovereignty of the United States by aggressively opposing the global “bit tax” proposed in the Human Development Report 1999 published by the United Nations Development Programme.

Whereas the Internet has become a highly valuable tool for the arts, businesses, and as a communications and computing product and service.

Whereas emerging telecommunications technologies promise to extend the benefits of the Internet to a growing percentage of the world population.

Whereas the Internet should remain tax-free;

Whereas any global tax collected by the United Nations would present a threat to the sovereignty of the United States and would violate the United States Constitution;

Whereas Americans are by far the greatest users of the Internet and would thus be disproportionately affected by any global Internet tax;

Whereas the most effective and just way to spread technology and wealth is through the operation of a free market;

Whereas the rapidly increasing sophistication and decreasing cost of telecommunications and computing products and services should not be disrupted;

Whereas the United Nations Development Programme’s Human Development Report 1999 proposed that a so-called “bit tax” be levied on all data sent through the Internet:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges the Administration to protect the sovereignty of the United States by aggressively opposing the global “bit tax” proposed in the Human Development Report 1999 published by the United Nations Development Programme.

Whereas emerging telecommunications technologies promise to extend the benefits of the Internet to a growing percentage of the world population;

Whereas the Internet has spurred entirely new industries dominated by the United States and has become critical to the continued growth of our economy;

Whereas the Internet has spurred entirely new industries dominated by the United States and has become critical to the continued growth of our economy.

Whereas the United Nations Development Programme’s Human Development Report 1999 proposed that a so-called “bit tax” be levied on all data sent through the Internet:

Resolved by the Senate (the House of Representatives concurring), That Congress urges the Administration to protect the sovereignty of the United States by aggressively opposing the global “bit tax” proposed in the Human Development Report 1999 published by the United Nations Development Programme.

Whereas the most effective and just way to spread technology and wealth is through the operation of a free market;

Whereas the rapidly increasing sophistication and decreasing cost of telecommunications and computing products and services should not be disrupted;

Whereas the United Nations Development Programme’s Human Development Report 1999 proposed that a so-called “bit tax” be levied on all data sent through the Internet:

Resolved by the Senate (the House of Representatives concurring), That Congress urges the Administration to protect the sovereignty of the United States by aggressively opposing the global “bit tax” proposed in the Human Development Report 1999 published by the United Nations Development Programme.

Whereas the most effective and just way to spread technology and wealth is through the operation of a free market;

Whereas the rapidly increasing sophistication and decreasing cost of telecommunications and computing products and services should not be disrupted;

Resolved by the Senate (the House of Representatives concurring), That Congress urges the Administration to protect the sovereignty of the United States by aggressively opposing the global “bit tax” proposed in the Human Development Report 1999 published by the United Nations Development Programme.

Resolved by the Senate (the House of Representatives concurring), That Congress urges the Administration to protect the sovereignty of the United States by aggressively opposing the global “bit tax” proposed in the Human Development Report 1999 published by the United Nations Development Programme.
Whereas individuals of Asian and Pacific Island ancestry have demonstrated their patriotism by honoring their service to the United States in times of armed conflict, from the present;

Whereas due to recent allegations of espionage and illegal campaign financing, the loyalty and probity of individuals of Asian and Pacific Island ancestry have suffered the same treatment as any other ethnic group in the United States, without discrimination by public officials, under orders from our leaders in the United States:

Whereas individuals of Asian and Pacific Island ancestry and ancestry of Asian and Pacific Island descent have been subjected to discriminatory laws, including the former Act of May 6, 1882 (22 Stat. 58, chapter 126) (often referred to as the Chinese Exclusion Act’) and a 1913 California law relating to alien-owned land, and by discriminatory actions, including internment of patriotic and loyal individuals of Japanese ancestry during the Second World War, the repatriation of Filipinos, immigrants, and the prohibition of individuals of Asian and Pacific Island ancestry from owning property, voting, testifying in court, attending school with other people in the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

(1) Congress condemns all prejudice against individuals of Asian and Pacific Island ancestry in the United States and publicly supports the participation of the individual to an entire group of people; and

(2) it is the sense of Congress that—

(A) no Member of Congress or any other individual in the United States should stereotype or generalize the actions of an individual to an entire group of people;

(B) Asian and Pacific Island ancestry in the United States are entitled to all rights and privileges afforded to all individuals in the United States; and

(C) the Attorney General, the Secretary of Energy, and the Commissioner of the Equal Employment Opportunity Commission should, within their respective jurisdictions, investigate all allegations of discrimination in public or private workplaces and vigorously enforce the security of the national laboratories of the United States, without discrimination against individuals of Asian and Pacific Island ancestry.

Mrs. FEINSTEIN. Mr. President, today I am pleased to be joined by Senators BOXER, MIKULSKI, AKAKA, BINGMAN, and SARBANES in submitting a resolution to condemn all prejudice against individuals of Asian and Pacific Island ancestry in the United States, and to support the full participation by such individuals in the political and civic affairs of the United States.

Given some of the recent reactions and media coverage of the Cox committee report and campaign finance allegations, this resolution expresses the sense of Congress that no individual or institution of the United States should stereotype any group of people, and that all individuals in the United States, including people of Asian and Pacific Island ancestry, are entitled to the same rights and privileges.

Indeed, over the past several months I have been seriously disturbed by some of the reactions and media coverage of the allegations of espionage at our national labs and illegal campaign financing that have called into question the loyalty of Americans of Asian and Pacific Island descent. Clearly, any individuals who are suspected of engaging in illegal or unethical conduct, regardless of their ancestry, heritage, should be investigated. However, Americans of Asian and Pacific Island community should not be stereotyped or impugned as a result of the alleged actions of a few.

Throughout the history of the United States, Americans of Asian and Pacific Island ancestry have suffered from unfounded and demagogic accusations of disloyalty. Americans of Asian and Pacific Island descent have been subjected to discriminatory laws, such as the 1882 Chinese Exclusion Act and a 1913 California law relating to alien-owned land.

They have also been subjected to discriminatory actions, including the internment of patriotic and loyal Japanese Americans during World War II, the repatriation of Filipinos, immigrants, and the prohibition of individuals from owning property, voting, testifying in court or attending school with other people in the United States.

In light of this history, I am appalled that these types of accusations have resorted to negative stereotypes to question the integrity of an entire community.

In an impassioned letter, one of my constituents wrote a letter to the American . . . I ask no more than what is due to every citizen of this country, namely, to be treated with respect and dignity. I resent those who would question the loyalty of Asian Americans any time a particular Chinese American is suspected of an egregious act. In their haste to decry the alleged espionage by an individual, not only are these public officials and said media guilty of a rush to judgment but of tarring with a broad brush other Americans who have nothing else other than having the same ethnicity of the suspect.”

Another one of my constituents wrote, “It appears that China has become Washington D.C.’s latest scapegoat. The accusations coming out of Washington severely damage what could be an excellent relationship and are dangerously close to spilling over in this country to an anti-Chinese and anti-Asian bias against solid U.S. citizens.”

These comments should not be taken lightly. All Americans should be highly offended by the negative stereotypes and media coverage of members of our community who have made profound contributions to our nation. Americans of Asian and Pacific Island descent have made great contributions to the arts, the economy, the sciences, politics, sports, and technology, among other areas. They have honorably defended the United States in times of armed conflict, from the Civil War to the present. By virtue of their membership in American society, they have just as much stake in this country as an American from any other ethnic background, and should not be held to a different standard.

I hope my colleagues will support this resolution and join us in taking a firm stand against discrimination and prejudice against individuals of Asian and Pacific Island ancestry in the United States.

SENATE CONCURRENT RESOLUTION 54—EXPRESSING THE SENSE OF CONGRESS THAT THE AUSCHWITZ-BIRKENAU STATE MUSEUM IN POLAND SHOULD RELEASE SEVEN PAINTINGS BY AUSCHWITZ SURVIVOR DINA BABBITT MADE WHILE SHE WAS IMPRISONED THERE, AND THAT THE GOVERNMENTS OF THE UNITED STATES AND POLAND SHOULD FACILITATE THE RETURN OF DINA BABBITT’S ARTWORK TO HER

Mrs. BOXER (for herself and Mr. HELMS): submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 54

Whereas Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen now 76 years old, has requested the return of watercolor portraits she painted while suffering a year and a half long internment at the Auschwitz death camp;

Whereas Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele;

Whereas Dina Babbitt’s life, and her mother’s life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele;

Whereas Dina Babbitt is unquestionably the rightful owner of the artwork, since it was produced by her own talented hands as a record of the unworkable conditions that prevailed at the Auschwitz death camp;

Whereas only 22 of the 3,800 Czech Jews scheduled for death at Auschwitz in March of 1943 were spared to live a half a long ordeal, and among those who were murdered were relatives of Dina Babbitt;

Whereas to continue to deny Dina Babbitt the property that is rightfully hers costs her the pain and suffering she has experienced because of the Auschwitz ordeal;

Whereas the artwork is not available to public view at the Auschwitz-Birkenau state museum and therefore this unique and important body of work is essentially lost to history; and

Whereas this continued injustice can be righted through cooperation between agencies of the United States and Poland: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a year and a half long internment at the Auschwitz death camp, and return them to her;
CONGRESSIONAL RECORD — SENATE
S10499

August 5, 1999

M. ROTH (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 175

Whereas NATO, the only military alliance with both real defense capabilities and a transatlantic membership, has successfully defended the territory and interests of its members over the last 50 years, prevailed in the Cold War, and continues to make a vital contribution to the promotion and protection of freedom, democracy, stability, and peace throughout Europe;

Whereas NATO enhances the security of the United States by embedding European states into a common security framework; it is an important step toward a Europe that is whole, undivided, free, and at peace;

Whereas extending NATO membership to other European democracies will also strengthen NATO, enhance security and stability, deter potential aggressors, and thereby advance the interests of the United States in Europe;

Whereas the enlargement of NATO, a defensive alliance, threatens no nation and reinforces peace and stability in Europe, and provides benefits to nations;

Whereas Article 10 of the North Atlantic Treaty states that “any other European state in a position to further the principles of this Treaty contributes to the collective defense capability of the North Atlantic area” is eligible to be granted NATO membership;

Whereas Congress has repeatedly endorsed the enlargement of NATO with bipartisan majorities;

Whereas the selection of new members should depend on NATO’s strategic interests, potential threats to security and stability, and actions taken by prospective members to complete the transition to democracy and to harmonize policies with the political, economic, and military guidelines established by the 1996 NATO Study on Enlargement;

Whereas the members of NATO face new threats, including conflict in Europe stemming from historic, ethnic, and religious enmities, the potential for the reemergence of rogue states and nonstate actors possessing weapons of mass destruction, and threats to the wider interests of the NATO members (including the disruption of the flow of vital resources to the United States);

Whereas NATO military force structure, defense planning, command structures, and force goals must be sufficient for the collective defense to be able to project power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members;

Whereas this will require that NATO members possess national military capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high-intensity conflicts;

Whereas NATO’s operations against the Federal Republic of Yugoslavia (Serbia and Montenegro) in 1999 highlighted the glaring short-comings of European allies in command, control, communication, and intelligence resources; combat aircraft; and munitions, particularly precision-guided munitions; and the overall imbalance between United States and European defense capabilities;

Whereas this imbalance in United States and European defense capabilities undercuts the Alliance’s goal of equitable transatlantic burden-sharing;

Whereas NATO is the only institution that promotes a uniquely transatlantic perspective and a strategic approach encompassing all interests and security of North America and Europe;

Whereas NATO has undertaken great effort to facilitate the emergence of a European Security and Defense Identity within the Alliance, including the identification of NATO’s Deep- and Special-Operations Commander as the commander of operations led by the Western European Union (WEU); the creation of a NATO Headquarters for WEU-led operations; the establishment of close linkages between NATO and the WEU, including planning, exercises, and regular consultations; and a framework for the release and return of Alliance assets and capabilities;

Whereas on June 3, 1999, the European Union, in the course of its Cologne Summit, agreed to absorb the functions and structures of the WEU, including its command structures and military forces, and established within it the post of High Representative for Common Foreign and Security Policy.

WHEREAS the member States of the European Union at the Cologne Summit pledged to reinforce their capabilities in intelligence, strategic transport, and command and control; and

WHEREAS the European Union’s decisions at its June 3, 1999 Cologne summit indicate a commitment by the European states to develop a European Security and Defense Identity featuring strengthened defense capabilities to address regional conflicts and crises management: Now, therefore, be it

Resolved, SECTION 1. UNITED STATES POLICY TOWARD NATO

(a) SENSE OF THE SENATE.—The Senate—

(1) regards the political independence and territorial integrity of the emerging democracies in Central and Eastern Europe as vital to European peace and security and, thus, to the interests of the United States;

(2) endorses the commitment of the North Atlantic Council that NATO will remain open to the accession of further members in accordance with Article 10 of the North Atlantic Treaty;

(3) endorses the Alliance’s decision to implement the Membership Action Plan as a means to further enhance the readiness of those European democracies seeking NATO membership to bear the responsibilities and burdens of membership;

(4) believes all NATO members should commit to improving the defense capabilities so that NATO can project power decisively within and outside NATO borders in a manner that achieves transatlantic parity in power projection capabilities and facilitates equitable burden-sharing among NATO members; and

(5) endorses NATO’s decision to launch the Defense Capabilities Initiative, intended to improve the defense capabilities of the European Allies, particularly the deployability, mobility, sustainability, and interoperability of these European forces.

(6) FURTHER SENSE OF THE SENATE.—It is further the sense of the Senate that—

(1) the North Atlantic Council should pace, not pause, the process of NATO enlargement by extending an invitation of membership to those states able to meet the guidelines established by the 1995 NATO Study on Enlargement and should do so on a country-by-country basis;

(2) the North Atlantic Council in the course of its December 1999 Ministerial meeting should initiate a formal review of all pending applications for NATO membership to establish which such applications conform to the guidelines for membership established by the 1995 NATO Study on Enlargement; and the results of this formal review should be presented to the membership of the North Atlantic Council in May 2000 with recommendations concerning enlargement;

(4) NATO should assess potential applications for NATO membership on a continual basis;

(5) the President, the Secretary of State, and the Secretary of Defense should fully use all offices to encourage the various allies of the United States to commit the resources necessary to upgrade their capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high-intensity conflicts, thus making them effective partners of the United States in supporting mutual interests;

(6) improved European military capabilities, not new institutions, are the key to a vibrant and more influential European Security and Defense Identity within NATO;

(7) NATO should be the primary institution through which European and North American allies address security issues of transatlantic concern;

(8) the European Union must implement its Cologne Summit decisions concerning its Common Foreign and Security Policy in a manner that will ensure that the WEU NATO allies, including Canada, the Czech Republic, Denmark, Hungary, Iceland, Norway, Poland, Turkey, and the United States, discriminate against, but will be fully involved when the European Union addresses issues affecting their security interests;

(9) in the European Union’s implementation of the Cologne summit decisions will not promote a strategic perspective on transatlantic security issues that conflicts with that promoted by the North Atlantic Treaty Organization;

(10) the European Union’s implementation of its Cologne summit decisions should not promote unnecessary duplication of the resources and capabilities provided by NATO; and

(11) the European Union’s implementation of its Cologne summit decisions should not promote a decline in the military resources that European allies contribute to NATO,
SENATE RESOLUTION 176—EXpressing the appreciation of the Senate for the service of United States Army personnel who lost their lives in the service of their country in an antidrug mission in Colombia and expressing sympathy to the families and loved ones of such personnel

Mr. HELMS (for himself, Mr. BIDEN, Mr. COVERDELL, Mr. DEWINE, Mr. GRASSLEY, Mr. Frist, Mr. TORISELLI, Mr. GRAHAM, Mr. LEAHY, Mr. ASHCROFT, Mr. HUTCHINSON, Mr. LUGAR, Mr. BENNETT, and Mrs. HUTCHINSON) submitted the following resolution; which was considered and agreed to:

S. RES. 176

WHEREAS Colombia is the largest source of cocaine and heroin entering the United States and efforts to assist that country combat the production and trafficking of illicit narcotics is in the national security interest of the United States;

WHEREAS operations by the United States Armed Forces to assist in the detection and monitoring of illicit production and trafficking of illicit narcotics are important to the security and well-being of all of the people of the United States;

WHEREAS on July 23, 1999, five United States Army personnel, assigned to the 20th Military Intelligence Battalion at Fort Bliss, Texas, and two Colombia military officials, were killed in a crash during an airborne reconnaissance mission over the mountains of Putumayo province of Colombia; and

WHEREAS the United States Army has identified Captain José A. Santiago, Captain Jennifer J. Odem, Chief Warrant Officer, W–2, Thomas G. Moore, Private First Class T. Bruce Cluff, and Private First Class Ray E. Krueger, all of the United States Army, who lost their lives in service of their country during an antiterror mission in Colombia;

WHEREAS the countless numbers of people who have successfully recovered from addiction are living proof that people of all races, genders, and ages recover every day from the disease of addiction, and now make positive contributions to their families, workplaces, communities, States, and nation: Now, therefore, be it

Resolved, That the Senate designates September, 1999, as "National Alcohol and Drug Addiction Recovery Month"; and

Mr. WELLSTONE, Mr. President, I rise today to introduce a resolution that I will soon send to the desk to proclaim September, 1999, as “National Alcohol and Drug Addiction Recovery Month”, and to recognize the Administration, government agencies, and the many groups supporting this effort highlighting the critical role of business and workplace programs in facilitating the recovery efforts of those with this disease.

Alcoholism and drug addiction are painful, private struggles with staggering public costs. A recent study prepared by The Lewin Group for the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism, estimated the total economic cost of alcohol and drug abuse to be approximately $215 billion for 1992. Of this cost, an estimated $98 billion was due to drug addition to illicit drugs and other drugs taken for non-medical purposes. This estimate includes additional treatment and prevention costs, as well as costs associated with related illnesses, reduced job productivity or lost earnings, and other costs to society such as crime and social welfare programs.

Mr. President, I rise today to introduce a resolution that I will soon send to the desk to proclaim September, 1999, as “National Alcohol and Drug Addiction Recovery Month”, and to recognize the Administration, government agencies, and the many groups supporting this effort highlighting the critical role of business and workplace programs in facilitating the recovery efforts of those with this disease.
care—including private insurance plans—must share this responsibility.

In observance of Recovery Month, the Secretary of Health and Human Services has recognized that the effort business invests in substance abuse treatment is Rewarded by improving productivity, quality, and employee morale, and lowering health care costs associated with substance abuse. Moreover, the Director of the Office of National Drug Control Policy has recognized drug treatment as being the most cost-effective treatment to those in need is critical to breaking the cycle of drug addiction and to helping those who are addicted to most become productive members of society.

The role of the workplace in overcoming the problem of substance abuse among Americans is also recognized by the U.S. Chamber of Commerce, the Community Anti-Drug Coalitions of America, the National Coalition on Alcohol and Other Drug Issues, the National Association of Alcoholism and Drug Abuse Counselors, and the National Substance Abuse Coalition.

It has been shown that some forms of addiction have a genetic basis, and yet we still try to deny the serious medical nature of this disease. We think of those with this disease as somehow different from us. We forget that someone who has a problem with drugs or alcohol can look just like the person we see in the mirror, or the person who is sitting next to us on the subway or at work. We know from the outstanding research conducted at NIH, through the National Institute on Drug Abuse and the National Institute of Alcohol Abuse and Alcoholism, that treatment for drug and alcohol addiction can be effective. Through this treatment, there are countless numbers of individuals who are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and now make positive contributions to their families, workplaces, communities, state, and nation.

I urge the Senate to adopt this resolution designating the month of September, 1999, as Recovery Month, and to take part in the many local and national activities and events recognizing this effort.

SENATE RESOLUTION 178—DESIGNATING THE WEEK BEGINNING SEPTEMBER 19, 1999, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. THURMOND (for himself, Mr. Cochran, Mr. Chafee, Mr. Sarbanes, Mr. Specter, Mr. Edwards, Mr. Coverdell, Mr. Nicks, Mr. Schumer, Mr. Grassley, Mr. Brownback, Mr. Ashcroft, Mr. Dodd, Mr. Lieberman, Mr. Craig, Mr. Lautenberg, Mr. Durbin, and Mr. Sessions): submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 178

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, SECTION 1. DESIGNATION OF "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK".

The Senate—

(1) designates the week beginning September 19, 1999, as "National Historically Black Colleges and Universities Week"; and

(2) requests that the President of the United States issue a proclamation calling on the people of the United States and the President, Governor, and other officials of each State to join in observing National Historically Black Colleges and Universities Week, and supporting the efforts of organizations concerned with the future of black colleges and universities in the United States.

Mr. THURMOND. Mr. President, I am pleased to rise today to submit a Senate resolution which authorizes and requests the President to designate the week beginning September 19, 1999, as "National Historically Black Colleges and Universities Week".

It is my privilege to sponsor this legislation for the fourteenth time honoring the Historically Black Colleges of our country.

Eight of the 105 Historically Black Colleges, namely Allen University, Benedict College, Claflin College, South Carolina State University, Morris College, Voorhees College, Denmark Technical College and Clinton Junior College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of young people with the opportunity to obtain a college education.

Mr. President, these institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically Black Colleges offer our citizens a variety of curricula and programs through which young people develop skills and talents, thereby expanding opportunities for a lifetime of achievement.

Mr. President, through passage of this Senate Resolution, Congress can reaffirm its support for Historically Black Colleges, and appropriately recognize their important contributions to our Nation. I look forward to the speedy passage of this Resolution.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

BURNS AMENDMENT NO. 1563

Mr. GORTON (for Mr. Burns) proposed an amendment to the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 27, line 22, strike "$1,631,996,000" and insert "$1,632,096,000".

On page 65, line 18, strike "$37,170,000" and insert "$38,470,000".

CAMPBELL AMENDMENT NO. 1564

Mr. GORTON (for Mr. Campbell) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 10, line 15, strike "$683,519,000" and insert "$683,919,000".

On page 10, line 23, before the colon, insert the following: "; and of which not less than $400,000 shall be available to the United States Fish and Wildlife Service for use in reviewing applications from the State of Colorado under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and in assisting the State of Colorado by providing resources to develop and administer components of State habitat conservation plans relating to the Fre fee's meadow jumping mouse".

On page 65, line 18, strike "$37,170,000" and insert "$38,770,000".

DEWINE AMENDMENT NO. 1565

Mr. GORTON (for Mr. DeWine) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1 FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO.

Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) $500,000 shall be derived, by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) $382,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) $198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

LUGAR (AND BAYH) AMENDMENT NO. 1566

Mr. GORTON (for Mr. Lugar (for himself and Mr. Bayh) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 13, line 8: Strike "$55,244,000" and insert "$55,944,000".

On page 10, line 23, before the colon, insert the following: "; and of which not less than $400,000 shall be available to the United States Fish and Wildlife Service for use in reviewing applications from the State of Colorado under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and in assisting the State of Colorado by providing resources to develop and administer components of State habitat conservation plans relating to the Fre fee's meadow jumping mouse".

On page 65, line 18, strike "$37,170,000" and insert "$38,770,000".

CAMPBELL AMENDMENT NO. 1564

Mr. GORTON (for Mr. Campbell) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 10, line 15, strike "$683,519,000" and insert "$683,919,000".

On page 10, line 23, before the colon, insert the following: "; and of which not less than $400,000 shall be available to the United States Fish and Wildlife Service for use in reviewing applications from the State of Colorado under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and in assisting the State of Colorado by providing resources to develop and administer components of State habitat conservation plans relating to the Fre fee's meadow jumping mouse".

On page 65, line 18, strike "$37,170,000" and insert "$38,770,000".

DEWINE AMENDMENT NO. 1565

Mr. GORTON (for Mr. DeWine) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1 FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO.

Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) $500,000 shall be derived, by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) $382,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) $198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

LUGAR (AND BAYH) AMENDMENT NO. 1566

Mr. GORTON (for Mr. Lugar (for himself and Mr. Bayh) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 13, line 8: Strike "$55,244,000" and insert "$55,944,000".

On page 10, line 23, before the colon, insert the following: "; and of which not less than $400,000 shall be available to the United States Fish and Wildlife Service for use in reviewing applications from the State of Colorado under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and in assisting the State of Colorado by providing resources to develop and administer components of State habitat conservation plans relating to the Fre fee's meadow jumping mouse".

On page 65, line 18, strike "$37,170,000" and insert "$38,770,000".
On page 65, line 18: Strike "$33,170,000" and insert "$36,470,000".

MACK (AND GRAHAM) AMENDMENT NO. 1567
Mr. GORTON (for Mr. Mack (for himself and Mr. Graham)) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 15, line 8, strike "$55,244,000" and insert "$54,744,000".
On page 17, line 19, strike "$221,093,000" and insert "$221,593,000".

REID AMENDMENT NO. 1568
Mr. GORTON (for Mr. Reid) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 10, line 15, strike the figure "$363,519,000" and insert in lieu thereof the figure "$363,669,000" and on page 20, line 18, strike the figure "$613,244,000" and insert in lieu thereof the figure "$613,063,000".

SMITH (AND ASHCROFT) AMENDMENT NO. 1569
Mr. SMITH of New Hampshire (for himself and Mr. Ashcroft) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 94, strike lines 3 through 26. On page 196, beginning with line 8, strike all through page 107, line 2. In page 107, lines 3 and 4, strike "National Endowment for the Arts and the National Endowment for the Humanities, respectively" and insert "National Endowment for the Humanities".
On page 107, lines 8 and 9, strike "for the Arts and the National Endowment".
On page 107, lines 11 and 12, strike "for the Arts or the National Endowment".
On page 108, beginning with line 12, strike all through page 110, line 11.

NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1999
MURKOWSKI AMENDMENT NO. 1570
(Ordered to lie on the table.)
Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 149) to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; as follows:

On page 6, after line 18, insert the following: "(15) State.—The term "State" means the several states, except the State of Alaska.".

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000
TORRICELLI (AND OTHERS) AMENDMENT NO. 1571
(Ordered to lie on the table.)
Mr. TORRICELLI (for himself, Mrs. Boxer, Mr. Schumer, Mr. Durbin, Mr. Reid, Mr. Moynihan, and Mr. Dodd) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1. USE OF TRAPS AND SNARES IN NATIONAL WILDLIFE REFUGES.

None of the funds made available in this Act may be used to authorize, permit, administer, or promote the use of any jaw-hold trap or neck snare in any unit of the National Wildlife Refuge System, except for the purpose of research, subsistence, conservation, or facilities protection.

TORRICELLI (AND OTHERS) AMENDMENT NO. 1572
(Ordered to lie on this table.)
Mr. TORRICELLI (for himself, Mrs. Boxer, Mr. Durbin, and Mr. Reed) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 16, line 25, strike "$49,951,000" and insert "$54,951,000", of which not less than $4,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1976 (16 U.S.C. 236 et seq.)
On page 35, line 18, strike "$5,580,000" and insert "$1,580,000".
On page 35, line 22, strike "$5,420,000" and insert "$9,420,000".

TORRICELLI (AND OTHERS) AMENDMENTS NOS. 1573–1574
(Ordered to lie on the table.)
Mr. TORRICELLI (for himself, Mr. Warner, and Mr. Roh) submitted two amendments intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1573
On page 3, line 18, strike "$287,305,000" and insert "$385,305,000".
On page 18, line 16, strike "$34,525,000" and insert "$86,525,000".
On page 18, line 19, before the period, insert the following: "and of which not less than $4,000,000 shall be available for the Frederickburg and Spotsylvania National Military Park".

AMENDMENT NO. 1574
On page 18, line 16, strike "$34,525,000" and insert "$86,525,000".
On 18, line 19, before the period, insert the following: "and of which not less than $4,000,000 shall be available for the Frederickburg and Spotsylvania National Military Park".

JOHNSON (AND OTHERS) AMENDMENT NO. 1575
(Ordered to lie on the table.)
Mr. JOHNSON (for himself, Mr. Burns, Mr. Campbell, Mr. Conrad, Mr. Baukus, Mr. Kohl, Mr. Wellstone, Mr. Bingaman, Mr. Kerrey, Mr. McCain, Mr. Dorgan, and Mr. Daschle) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. 1. (a) In addition to any amounts otherwise made available under this title to carry out the Tribally Controlled College or University Assistance Act of 1978, $6,400,000 is appropriated to carry out such Act for fiscal year 2000.

(b)(1) Notwithstanding any other provision of this Act, except as provided in paragraph (2), the amount of funds to be deposited in any Federal agency that receives appropriations under this Act in an amount greater than $20,000,000 shall be reduced on a prorata basis, by an amount equal to the percentage necessary to achieve an aggregate reduction of $6,400,000 in funds provided to all such agencies under this Act. Each head of a Federal agency that is subject to a reduction under this subsection shall ensure that the reduction in funding to the agency resulting from this subsection is offset by a reduction in travel expenditures of the agency.

(2) A reduction may not be made under paragraph (1) if that reduction would result in an agency being in the deficit for the extent that the agency could not fulfill a statutory function.

(c) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing, by accounts, of the amount of each reduction made under subsection (b).

McCAIN AMENDMENT NO. 1576
(Ordered to lie on the table.)
Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) IN GENERAL.—The Disabled Veterans' LIFE Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or in its environs to honor disabled American veterans who have served in the Armed Forces of the United States.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial authorized by subsection (a) shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (96 Stat. 1366 (41 U.S.C. 1301 et seq.).
(c) PAYMENT OF EXPENSES.—The Disabled Veterans' LIFE Memorial Foundation shall be solely responsible for contributions for, and payment of the expenses of, the establishment of the memorial authorized by subsection (a). No Federal funds may be used to pay any expense of the establishment of the memorial.
(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial authorized by subsection (a) (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in subsection (b)), or upon expiration of the authority for the memorial under section 10(b) of such Act, there remains a balance of funds received for the establishment of the memorial, the Disabled Veterans' LIFE Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

GRAHAM (AND OTHERS) AMENDMENT NO. 1577
(Ordered to lie on the table.)
Mr. Graham (for himself, Mr. Enzi, Mr. Bazyk, Mr. Reed, Mr. Voinovich, Mr. Grass, Mr. Lugar, and Mr. Sessions) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

August 5, 1999
At the appropriate place, insert the following:

SEC. 9. PROHIBITION ON CLASS III GAMING PROCEEDURES.

No funds made available under this Act may be expended to implement the final rule published on April 12, 1999, at 64 Fed. Reg. 17535.

SHELBY AMENDMENT NO. 1578

(Ordered to lie on the table.)

Mr. SHELBY submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1. PILOT WILDLIFE DATA SYSTEM.

Funds made available by this Act, the Secretary of the Interior shall use $3,000,000 to develop a pilot wildlife data system to provide statistical data relating to wildlife management and control in the State of Alabama.

McCAIN AMENDMENT NO. 1579

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 8. (a) STUDY.—The Secretary of the Interior and the Secretary of Defense shall, using any lands appropriated for the Department of the Interior by this Act, carry out a study of measures to improve the management of the Federal lands in Arizona constituting the Barry M. Goldwater Range (as described in section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99–966)) and the Organ Pipe National Monument, but not the Federal lands in Arizona constituting the Cabeza Prieta National Wildlife Refuge.

(b) ELEMENTS OF STUDY.—In carrying out the study under subsection (a), the Secretary of the Interior and the Secretary of Defense shall—

(1) assess the feasibility and practicability of the implementation of all or parts of the Federal lands covered by subsection (a) of a national park or national preserve;

(2) assess the feasibility and practicability of any sale in the management of such Federal lands that may be proposed as national park or national preserve;


DURBIN AMENDMENTS NOS. 1580–1581

(Ordered to lie on the table.)

Mr. DURBIN submitted two amendments intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 2, line 13, strike “$364,821,000” and insert “$364,821,000”.

On page 3, line 6, strike “$364,321,000” and insert “$364,821,000”.

On page 3, line 18, strike “$237,305,000” and insert “$236,405,000”.

On page 52, strike lines 16 through 24 and insert the following:

SEC. 117. PROCESSING OF GRAZING PERMITS AND LEASES.

(a) SCHEDULE.—

(1) IN GENERAL.—The Bureau of Land Management shall—

(A) modify the terms and conditions of the grazing permit or lease described in subsection (a)(1), the Bureau may—

(B) reissue the grazing permit or lease for a term not to exceed 10 years.

(c) TERMS AND CONDITIONS OF RENEWALS.—

(1) BEFORE COMPLETION OF PROCESSING.—Renewal of a grazing permit or lease under subsection (b)(1) shall be deemed to be renewed until the earlier of—

(1) September 30, 2001; or

(2) the date on which the Bureau completes processing of the grazing permit or lease in compliance with all applicable laws.

(2) UPON COMPLETION OF PROCESSING.—Upon completion of processing of a grazing permit or lease described in subsection (a)(1), the Bureau may—

(A) modify the terms and conditions of the grazing permit or lease; and

(B) reissue the grazing permit or lease for a term not to exceed 10 years.

(d) EFFECT ON OTHER AUTHORITY.—Except as specifically provided in this section, nothing in this section affects the authority of the Bureau to modify or terminate any grazing permit or lease.

INOUE (AND OTHERS) AMENDMENT NO. 1582

(Ordered to lie on the table.)

Mr. INOUE (for himself, Mr. CLELAND, Mr. LEVIN, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 3, line 18, strike “$287,305,000” and insert “$287,305,000”.

On page 7, line 10, strike “$224,593,000” and insert “$224,593,000”.

On page 7, line 22, before the colon, insert the following: “,” and of which not less than $5,500,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial.”

ROBB (AND OTHERS) AMENDMENT NO. 1583

(Ordered to lie on the table.)

Mr. ROBB (for himself, Mr. CLELAND, Mrs. BOXER, Mr. TORRICELLI, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

Beginning on page 1, strike line 8 and all that follows through line 21.

BINGAMAN AMENDMENTS NOS. 1584–1585

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1584

At the appropriate place, insert the following:

SEC. . YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS.

(a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91–378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, the following amounts in order to increase the number of summer jobs available for youth, ages 15 through 22, on Federal lands:

1. $4,000,000 of the funds available to the United States Fish and Wildlife Service for Resource Management under this Act;

2. $4,000,000 of the funds available to the National Park Service for Operation of the National Park System under this Act;

3. $4,000,000 of the funds available to the Forest Service under this Act; and

4. $3,000,000 of the funds available to the Bureau of Land Management under this Act.

(b) Within six months after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following:

(i) the number of youth, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corps, the Public Land Corps, or a related partnership with a State, local, or non-profit youth conservation corps or other entity such as the Student Conservation Association;

(ii) a description of the different types of work accomplished by youth during the summer of 1999;

(iii) identification of any problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps, or related partnerships to accomplish projects described in subsection (a); and

(iv) recommendations to improve the use and effectiveness of partnerships described in subsection (a).

AMENDMENT NO. 1585

On page 27, line 22, strike “$1,631,966,000” and insert “$1,632,866,000”.

On page 29, line 10, after “2002” insert “Provided further, That from amounts appropriated under this heading $5,722,000 shall be
made available to the Southwestern Indian Polytechnic Institute.'"

On page 62, between lines 3 and 4, insert the following:

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SEC. 2. POST SECONDARY SCHOOLS FUNDING FORMULA.

(a) IN GENERAL.—Any funds appropriated for Bureau of Indian Affairs Operations for Post Secondary Schools for any fiscal year that exceed the amount appropriated for the schools for fiscal year 2000 shall be allocated among the schools proportionally to the unmet need of the schools as determined by the Post Secondary Funding Formula adopted by the Office of Indian Education Programs and the schools in May of each year.

(b) APPLICABILITY.—This section shall apply for fiscal year 2000 and each succeeding fiscal year.
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BRYAN AMENDMENT NO. 1586

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place, add the following new section:

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SEC. 3. CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CARSON CITY, NEVADA.

(a) CONVEYANCE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the Republic of Carson City, Nevada, without consideration, all right, title, and interest of the United States in the property described as Government lot 1 in sec. 8, T. 15 N., R. 20 E., Mount Diablo Meridian, as shown on the Bureau of Land Management official plat approved October 28, 1996, containing 4.48 acres, more or less, and assorted uninhabitable buildings and improvements.

(b) USE.—The conveyance of the property described under subsection (a) shall be subject to the following:

(1) The use shall be for a purpose other than the purpose of a senior assisted living center or a related public purpose.
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BRYAN (AND REID) AMENDMENT NO. 1587

(Ordered to lie on the table.)

Mr. BRYAN (for himself and Mr. REID) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

At the appropriate place, add the following new section:

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SEC. 4. LIMITATION.

No funds appropriated under this Act shall be expended to implement sound thresholds or standards in the Grand Canyon National Park until 90 days after the National Park Service completes processing of the grazing permit or lease described in subsection (a)(1), to remain available until expended, of which $33,647,000 shall be available for wildlife habitat management, $22,132,000 shall be available for forested, riparian, and wetland habitat management, $41,709,000 shall be available for anadromous fish habitat management, $29,548,000 shall be available for threatened, endangered, and sensitive species habitat management, and $196,885,000 shall be available for timber sales management.

On page 64, line 17, strike ‘‘$362,085,000’’ and insert ‘‘$385,000’’.

On page 64, line 22, strike ‘‘205’’ and insert ‘‘205, of which $86,909,000 shall be available for road construction (of which not more than $37,000,000 shall be available for engineering support for the timber program) and $122,484,000 shall be available for road maintenance.’’.
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REID AMENDMENT NO. 1589

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 110, strike lines 17-25.

On page 111, strike lines 1-3.

KOHL AMENDMENT NO. 1590

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

Following the last proviso in the ‘‘Construction’’ account of the Bureau of Indian Affairs, insert the following: ‘‘Provided further, That in return for a quit claim deed to a school building on the Lac Courte Oreilles Ojibwe Indian Reservation, the Secretary shall pay to U. S. development, LLC the amount of $375,000.’’

DURBIN AMENDMENT NO. 1591

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

Insert after 'null conveying' the following:

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(‘‘1’’ SEC. 117. PROCESSING OF GRASSING PERMITS AND LEASES.

(a) SERVICES CONSIDERED.—

‘‘(1) IN GENERAL.—The Bureau of Land Management shall establish and adhere to a schedule for completion of processing of all grazing permits and leases that have expired in fiscal year 1999 or which expire in fiscal years 2000 and 2001.

(2) REQUIREMENTS.—The schedule shall provide for the completion of processing of the grazing permits and leases in compliance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), not later than September 30, 2001.

(b) REQUIRED RENEWAL.—Each grazing permit or lease described in subsection (a)(1) shall be deemed to be renewed until the earlier of—

(1) September 30, 2001; or

(2) the date on which the Bureau completes processing of the grazing permit or lease in compliance with all applicable laws.

(c) TERMS AND CONDITIONS OF RENEWALS.—

(1) BEFORE COMPLETION OF PROCESSING.—

Renewal of a grazing permit or lease under subsection (b)(1) shall be on the same terms and conditions as existed in the expiring grazing permit or lease.

(2) UPON COMPLETION OF PROCESSING.—

Upon completion of processing of a grazing permit or lease described in subsection (a)(1), the Bureau may—

(A) modify the terms and conditions of the grazing permit or lease; and

(B) reissue the grazing permit or lease for a term not to exceed 10 years.

(d) CONSIDERATION OF PERMIT OR LEASE TRANSFERS.—

(1) During fiscal years 1999 and 2001, an application to transfer a grazing permit or lease to an otherwise qualified applicant shall be approved on the same terms and conditions as provided in the permit or lease being transferred, for a duration no longer than the permit or lease being transferred, unless processing under all applicable laws has been completed.

(2) Upon completion of processing, the Bureau may—

(A) modify the terms and conditions of the grazing permit or lease; and

(B) reissue the grazing permit or lease for a term not to exceed 10 years.
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EDWARDS AMENDMENT NO. 1592

(Ordered to lie on the table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 65, line 18, strike ‘‘$37,170,000’’ and insert ‘‘$40,170,000’’.

On page 63 line 1, strike ‘‘$1,236,051,000’’ and insert ‘‘$1,236,051,000’’.

STEVENS AMENDMENT NO. 1593

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place insert the following new section:

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SEC. 5. EFFECT ON OTHER AUTHORITY.—Except as specifically provided in this section, nothing in this section affects the authority of the Bureau of Land Management to modify or terminate any grazing permit or lease.
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WARNER AMENDMENT NO. 1594

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the end, add the following:

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From amounts appropriated under this Act for the National Endowment for the Arts the Chairperson of the Endowment may make available $250,000 to the Institute of Museum and Library Services.
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CAMPBELL AMENDMENT NO. 1595

(Ordered to lie on the table.)

Mr. CAMPBELL submitted an amendment intended to be proposed by
Amendment No. 1595

(Mr. ABRAHAM (for himself, Mr. HATCH, Mr. THOMAS, Mr. GRAMS, and Mr. CRAIG) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 2, line 13, strike "$364,321,000" and insert "$362,821,000".

On page 2, line 14, after "expended," insert the following: "of which not more than $15,351,000 shall be available for land resources, and"

On page 5, line 13, strike "$130,000,000," and insert "$150,000,000, of which not more than $244,734,000 shall be available for wildlife law enforcement operations, and"

On page 10, line 15, strike "$683,519,000" and insert "$678,519,000".

AMENDMENT NO. 1597

(Mr. MURKOWSKI (for himself, Mr. LAUTENBERG, Mrs. BOXER, Mr. ROTH, Mr. DODD, Ms. LANDRIEU, Mr. CHAFEE, Mr. SESSIONS, Mrs. LINCOLN, Mr. LEAHY, Mr. KERRY, Mr. FEINGOLD, Mr. FRIST, Mr. GRAHAM, Ms. COLLINS, Mr. SMITH, Mr. SISTERS, Mr. GREGG, Mr. MOYNIHAN, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. HAGEL, Mr. JEFFORDS, Mr. KOHL, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 1, line 13, strike "$331,243,000," and insert "$313,243,000," and insert "$136,243,000," of which not more than $77,243,000 shall be available for fish and wildlife science information management and delivery, of which not more than $241,734,000 shall be available for geologic hazards, resource, and process; and"

On page 18, line 10, strike "$110,682,000" and insert "$108,682,000".

On page 26, line 11, strike "$813,243,000" and insert "$806,243,000".

On page 29, line 11, strike "$54,569,000" and insert "$52,569,000".

On page 25, line 12, before the semicolon, insert the following: ", and not more than $46,430,000 shall be available for royalty management compliance"

On page 24, line 24, strike "$95,891,000" and insert "$94,291,000, of which not more than $70,615,000 shall be available for environmental projects"

On page 37, line 14, strike "$62,203,000" and insert "$61,203,000".

On page 37, line 23, strike "$36,784,000" and insert "$35,784,000".

On page 63, line 1, strike "$1,239,051,000" and insert "$1,237,051,000".

On page 63, line 6 and insert "(a)(1), of which not more than $1,000,000 shall be available for forest ecosystem restoration and improvement"

On page 77, line 16, strike "$390,975,000" and insert "$389,975,000".

On page 78, line 16, strike "$682,817,000" and insert "$678,817,000".

On page 78, line 17, after "expended," insert the following: "of which not more than $66,650,000 shall be available for equipment, materials, and tools, and of which not more than $205,660,000 shall be available for transportation, and"

COCHRAN AND OTHERS AMENDMENT NO. 1597

(Mr. COCHRAN (for himself, Mr. DORGAN, Mr. JEFFFORDS, Mr. KENNEDY, Mr. INOUYE, Mr. CHAFEE, and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 95, line 5 strike "$35,784,000" and insert "$31,150,000".

On page 95, line 13, strike "$14,150,000" and insert "$14,700,000".

On page 95, line 14, strike "$10,150,000" and insert "$10,700,000".

MURKOWSKI AND OTHERS AMENDMENT NO. 1598

On page 5, line 13, strike "$95,891,000" and insert "$155,351,000".

On page 18, line 18, strike "$14,700,000".

MURKOWSKI AND OTHERS AMENDMENT NO. 1599

(Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 16, line 12, strike "$1,355,176,000" and insert "$1,281,000,000".

On page 17, line 19, strike "$221,093,000, to remain available until expended" and insert "$222,593,000 to remain available until expended".

On page 18, line 18, strike "$14,150,000" and insert "$14,700,000".

MURKOWSKI AMENDMENT NO. 1601

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place insert the following new section:

None of the funds provided in this Act shall be available to the Department of Interior to deploy the Trust Asset and Account Management System (TAAMS) in any Bureau of Indian Affairs Area Office, with the exception of the Billings Area Office, until 45 days after the Secretary of Interior certifies in writing to the Committee on Appropriations and the Committee on Indian Affairs that, based on the Secretary’s review and analysis of TAAMS, such system meets all contract requirements and the needs of the system’s customers including the Bureau of Indian Affairs, the Office of Special Trustee for American Indians and affected tribes and individual Indians.

The Secretary shall certify that the following items have been completed in accordance with generally accepted guidelines for system development and acquisition and indicate the source of those guidelines: design and functional requirements; legacy data conversion and use; acceptance tests; project management functions such as deployment and implementation planning, risk management, quality assurance, configuration management, and independent verification and validation activities. The General Accounting Office shall provide an independent assessment of the Secretary’s certification within 15 days of the Secretary’s certification.

MURKOWSKI AMENDMENT NO. 1602

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

S. 1292 is amended by the following:

On page 18, line 17, after "expended," insert the following: "SEC. . None of the funds appropriated or otherwise made available in this Act or any other provision of law, may be used by any officer, employee, department or agency of the United States to impose or require payment of an inspection fee in connection with the import or export of shipments of fur-bearing wildlife containing 1000 or fewer raw, crustled, salted or tanned hides or fur skins, or separate parts thereof, including species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington March 3, 1973 (27 UST 1827)."

STEVENS AMENDMENT NO. 1602

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

S. 1292 is amended by the following:
On page 17, line 19, strike "$321,093,000" and insert in lieu thereof "$328,155,000".

On page 82, line 13, strike "$2,135,561,000" and insert in lieu thereof "$1,180,005,400".

On page 62, line 8, strike "$984,562,000" and insert in lieu thereof "$969,562,000".

HUTCHISON (AND OTHERS) AMENDMENT NO. 1603
(Ordered to lie on the table.)
Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. LOTT, Mr. BREAUX, Mr. MURkowski, Ms. LANDRIEU) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 62, between lines 3 and 4, insert the following:

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SEC. 1. VALUATION OF CRUDE OIL FOR ROYALTY PURPOSES.

None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes (including a rulemaking derived from proposed rules published at 62 Fed. Reg. 3742 (January 24, 1997), 62 Fed. Reg. 39690 (July 3, 1997), and 63 Fed. Reg. 6113 (1998)) until September 30, 2000.
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SESSIONS AMENDMENT NO. 1604
(Ordered to lie on the table.)
Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 16, line 12, after “of which”, insert the following: “not less than $3,100,000 shall be used for operation of the Rosa Parks Library and Museum in Montgomery, Alabama, or for use in the operation of the Rosa Parks Library and Museum in Montgomery, Alabama, or which”.

LEVIN AMENDMENTS NOS. 1605-1606
(Ordered to lie on the table.)
Mr. LEVIN submitted two amendments intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1605

On page 18, line 16, strike "$843,525,000" and insert "$85,075,000".

On page 18, line 12, after “expended,” insert the following: “of which not less than $550,000 shall be available for acquisition of property in Sleeping Bear Dunes National Lakeshore, Michigan.”

On page 20, line 18, strike "$813,243,000" and insert "$812,693,000".

AMENDMENT NO. 1606

On page 17, line 22, before the colon, insert the following: “and of which not less than $2,450,000 shall be available for the acquisition of property in Keweenaw National Historical Park, Michigan.”

On page 18, line 16, strike "$843,525,000" and insert "$86,975,000".

On page 20, line 18, strike "$813,243,000" and insert "$810,743,000".

ROBB (AND OTHERS) AMENDMENT NO. 1607
(Ordered to lie on the table.)
Mr. ROBB (for himself, Mr. CLELAND, and Ms. BOXER) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

Beginning on page 116, strike line 8 and all that follows through line 21.

SEC. 1. VALUATION OF CRUDE OIL FOR ROYALTY PURPOSES.

None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes (including a rulemaking derived from proposed rules published at 62 Fed. Reg. 3742 (January 24, 1997), 62 Fed. Reg. 39690 (July 3, 1997), and 63 Fed. Reg. 6113 (1998)) until September 30, 2000.

McCONNELL AMENDMENT NO. 1608
Mr. GORTON (for Mr. McCONNELL) proposed an amendment to the concurrent resolution (H. Con. Res. 187) authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a new building at Avenue of the States Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest; as follows:

At the appropriate place:

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Page 1, line 4, delete all through line 7 on page 2 and insert the following:

“The Architect of the Capitol may permit temporary construction and other work on the Capitol Grounds as follows:

“(a) As may be necessary for the demolition of the existing building of the Carpenters and Joiners of America on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest in a manner consistent with the terms of this resolution. Such work may include activities resulting in temporary obstruction of the curbside parking lane on Louisiana Avenue Northwest between Constitution Avenue Northwest and 1st Street Northwest, adjacent to the side of the existing building of the Carpenters and Joiners of America on Louisiana Avenue Northwest. Such obstruction:

“(i) shall be consistent with the terms of subsections (b) and (c) below;

“(ii) shall not extend in width more than 8 feet from the curb adjacent to the existing building of the Carpenters and Joiners of America; and

“(iii) shall extend in length along the curb of Louisiana Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America, from a point 56 feet from the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest adjacent to the existing building of Carpenters and Joiners of America to a point to 49 feet from the curbs of the Louisiana Avenue Northwest and 1st Street Northwest adjacent to the existing building of the Carpenter and Joiners of America.

“(b) Such construction shall include a covered walkway for pedestrian access, including access for disabled individuals, on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest, to be constructed within the existing sidewalk area on Constitution Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America, to be constructed in accordance with specifications approved by the Architect of the Capitol.

“(c) Such construction shall ensure access to any existing fire hydrants by keeping clear a minimum radius of 3 feet around any fire hydrants, or according to health and safety requirements as approved by the Architect of the Capitol.”
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HATCH (AND LEAHY) AMENDMENT NO. 1609
Mr. BROWNBACK (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill (S. 1255) to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes; as follows:

On page 10, line 4, beginning with “to” strike all through the comma on line 7 and insert “or confusingly similar to a trademark or service mark of another that is distinctive at the time of the registration of the domain name, or dilutive of a famous trademark or service mark of another that is famous at the time of the registration of the domain name.”

On page 11, strike lines 5 through 12 and insert the following:

```
(4)(A) A person shall be liable in a civil action by the owner of a trademark or service mark if, without regard to the goods or services of the parties, that person—

“(i) has a bad faith intent to profit from that trademark or service mark; and

“(ii) registers, traffics in, or uses a domain name that—

“(1) in the case of a trademark or service mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to such mark; or

“(II) in the case of a famous trademark or service mark that is famous at the time of registration of the domain name, is dilutive of such mark.
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On page 12, line 18, strike all the comma and insert “or confusingly similar to trademarks or service marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous trademarks or service marks of others that are famous at the time of registration of such domain names.”

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(5) A use of a domain name described under subparagraph (A) shall be limited to a use of the domain name by the domain name registrant or the domain name registrant’s authorized licensee.
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On page 16, line 24, strike the quotation marks and the second clause.

On page 16, add after line 24 the following:

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(6) The court may grant injunctive relief to the owner of a trademark or service mark that—

“(I) has a bad faith intent to profit from that trademark or service mark;

“(II) registers, traffics in, or uses a domain name that—

“(i) in the case of a trademark or service mark that is distinctive at the time of registration of the domain name, is identical to or confusingly similar to such mark; or

“(II) in the case of a famous trademark or service mark that is famous at the time of registration of the domain name, is dilutive of such mark.
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DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

HATCH AMENDMENT NO. 1610
(Ordered to lie on the table.)
Mr. HATCH submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:
85, 1999

At the appropriate place insert the following:

SEC. 1. LAKE POWELL.

No funds appropriated for the Department of the Interior by this Act or any other Act shall be available to implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

HATCH (AND BINGAMAN) AMENDMENT NO. 1611

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 11, line 10, insert after “enforcement,” the following: “of which not less than $250,000 shall be used, on authorization by Congress, to construct a new interpretive center and related visitor facilities at the Four Corners Monument Tribal Park, in the States of Utah, Colorado, New Mexico, and Arizona.”

COLLINS AMENDMENTS NOS. 1612–1613

(Ordered to lie on the table.)

Mrs. COLLINS submitted two amendments intended to be proposed by her to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1612

On page 16, line 12, strike “$1,355,176,000” and insert “$1,355,176,000.”

On page 16, line 25, strike “$49,951,000.” and insert “$50,041,000, of which $90,000 shall be available for planning and development of interpretive sites for the quadricentennial commemoration of the Saint Croix Island settlement to the countries of Canada and the United States of America. The National Park Service, in coordination with the States of Maine and New Brunswick and the people of the St. Croix Island International Historic Site, Maine, the town of Calais, and the town of St. Andrews, New Brunswick, shall cooperatively pursue planning and compliance for exhibits at Red Beach and the town of Calais, Maine; and the National Park Service should take what steps appear necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.”

BOXER AMENDMENT NO. 1614

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, H.R. 2466, supra; as follows:

On page 17, line 21, strike “$2,412,000” and insert “$3,412,000.”

FEINSTEIN AMENDMENT NO. 1615

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, H.R. 2466, supra; as follows:

At the appropriate place insert the following: “The Forest Service is authorized to provide United States assistance to the countries of Canada and the United States of America. The National Park Service, in coordination with the States of Maine and New Brunswick and the people of the St. Croix Island International Historic Site, Maine, the town of Calais and the town of St. Andrews, New Brunswick, shall cooperatively pursue planning and compliance for exhibits at Red Beach and the town of Calais, Maine; and the National Park Service should take what steps appear necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.”

LEVIN (AND DEWINE) AMENDMENT NO. 1616

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 18, line 23, strike “River.” and insert “River, of which $400,000 shall be available for grants under the Great Lakes Fish and Wildlife Restoration Program, and of which $114,280,000 shall be available for general administration.”

On page 2, line 14, after “expended,” insert “available for grants under the Great Lakes Fish and Wildlife Restoration Program, and of which $114,280,000 shall be available for general administration.”

On page 23, line 10, after “only;” insert “available for grants under the Great Lakes Fish and Wildlife Restoration Program, and of which $114,280,000 shall be available for general administration.”

LEGISLATION TO LOCATE AND SECURE THE RETURN OF ZACHARY BAUMEL

LEAHY AMENDMENT NO. 1620

Mr. BROWNBACK (for Mr. LEAHY) proposed an amendment to the bill (H.R. 1175) to locate and secure the return of Zachary Baumel, an American citizen, and other Israeli soldiers missing in action; as follows:

In H.R. 1175, replace subsection (b) of SEC. 2 with:

On page 3 strike lines 11–20 and insert the following:

(b) PROVISION OF ASSISTANCE TO CERTAIN GOVERNMENTS.—In determining where and when United States assistance to any government or authority which the Secretary of State believes has information concerning the whereabouts of the soldiers described in subsection (a), and in formulating United States policy towards such government or authority, the President shall take into consideration the willingness of the government or authority to assist in locating and securing the return of such soldiers.
A TRIBUTE TO MARILEE SMILEY

Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Mrs. Marilee Smiley of Fenton, MI in recognition of her service as Supreme Guardian of the International Order of Job's Daughters. I extend to her my heartfelt congratulations for her service.

Marilee Smiley is a woman who has consistently demonstrated her commitment to the ideals of Masonry and the International Order of Job's Daughters. This exemplary organization is dedicated to instilling in young women, age eleven to twenty, the character traits necessary for success as human beings and citizens of our great land. In this quest, Mrs. Smiley has contributed her very best, and the young women she has so ably guided have been the beneficiaries.

Marilee Smiley has had a tremendous impact not only in MI, but nationally and internationally. A woman of high principles, Marilee has utilized her intelligence, concern for youth, belief in humanity, and leadership abilities to serve others through participation in the International Order of Job’s Daughters for forty-three years. As a youth she held various offices, including Honored Queen of Bethel No. 30, and the Grand Blanc and Michigan Grand Bethel Representative to California. As an adult leader she also held various offices in Bethel No. 30 of Grand Blanc, Bethel No. 50 of Lansing-Okemos, and Bethel No. 58 of Lansing, including serving as Bethel Guardian of Bethels No. 1, 2, 50, and 58.

Marilee Smiley has exemplified the character traits taught to her as a young woman in her continuing association with the International Order of Job’s Daughters. As an adult leader, she was awarded the Triangle of Honor, the highest honor that the Grand Council of Michigan can bestow an adult leader.

This fine lady has also held several positions with the Grand Guardian Council of Michigan of the International Order of Job’s Daughters, serving as Grand Guardian during the 1982-83 year.

She has continued her service to the International Order of Job’s Daughters, holding several positions with the Supreme Council. Her services have included several committee offices, including serving the Board of Trustees from 1992 through 1995, and currently serving as Supreme Guardian of the International Order of Job’s Daughters, the highest position an adult leader may hold.

Along with her work with the International Order of Job’s Daughters, Marilee raised three wonderful children with her husband Ken. She taught them the importance of being involved in the community as well as volunteering. She was actively involved with Swim Clubs and Swim Boosters as all of her children swam competitively year-round.

Marilee Smiley deserves the highest tribute in recognition of her service as Supreme Guardian of the International Order of Job’s Daughters.

RETIREMENT OF WILLIAM M. DEMPSEY

Mr. ROBB. Mr. President, today I rise to honor Mr. William M. Dempsey who will retire from the U.S. Marshals Service on August 28, 1999. He has served as a Public Affairs Specialist with the agency for twenty years. Mr. Dempsey has more than four and a half decades of experience in public affairs positions with various civilian, government and military organizations. For twenty years, from 1955–1975, he served with the U.S. Air Force in several positions. During the period 1959–1961 he served as a Public Information Officer with the U.S. Taiwan Defense Command. He later served a tour of duty in South Vietnam as Director of Information for all U.S. rescue and recovery activities. From 1968–1972 he served on the staff of the Secretary of the Air Force.

In late 1976, Mr. Dempsey joined the U.S. Marshals Service as a Public Affairs Specialist. Initially, he implemented a public affairs strategy for the agency, advised senior officials on public information aspects of major operational matters, and was frequently the agency’s spokesman to the media. His extensive experience with national, regional, and local media organizations has benefitted the Marshals Service and the American public for more than two decades.

Mr. Dempsey graduated from St. Joseph’s University in Philadelphia, Pennsylvania, in 1984 with a bachelor’s degree in Political Science who has completed graduate level study in Public Relations/Communications at Boston University. He resides in Fairfax, Virginia, near the Arlington headquarters of the U.S. Marshals Service.

I am honoring Mr. Dempsey on the Senate floor today as a way of thanking him for his service to the law enforcement community, the public affairs community, and our nation.

TRIBUTE TO HOPE ANDERSON

Mr. CRAIG. Mr. President, I rise today to recognize Hope Anderson. Hope is a constituent of mine and recently graduated as the valedictorian of Lake City High School in Coeur d’Alene, Idaho. Her valedictory address touched many of those who heard it, so I would like to take a minute of the Senate’s time to enter the text of her speech into the RECORD.

A pair of laughing teenage boys gunned down fourteen students and one teacher in Littleton, Colorado a few weeks ago. Many of you asked yourselves the question, “How could such an atrocity occur?” Now I want you to ponder the question, “How could this NOT happen?”

Our nation was founded upon moral principles, but its moral fabric is being ripped apart. Our deviation from basic ethical principles has corroded our very foundations as a country. I believe it is a time to change: when our children are not safe in school; when our society deems it more important to the media to report the ‘daily corruption’ when we do not give the needy a hand up and instead force our government to give them a hand out; when the marriage vows ‘I do’ mean ‘I might’; when the most dangerous place for a baby is in its mother’s womb; when political elections are often a choice between the lesser of two evils; when there is not one thing as absolute truth; and when In God We Trust is engraved upon our currency but not on the hearts of the people, that is
when America needs to change. That time is now. The President, replacing the wrong with what is right, can help to
turn the tide in our nation. We must have a vision to know what we desire for our nation, courage to make the decisions necessary to make the decisions necessary. I have a vision for America: where a person is judged by his character and not the color of his shoes, where our politicians are honest and honorable; where our political system encourages hard work; where our people are informed by a media that tells both sides of the story; and where the sanctity of human life is respected as the most fundamental moral value.

As graduates, we are nearing a point in our lives where the decision we make will determine the outcome of our lives. As a nation, we are also nearing such a pivotal crossroads. We can transform our society into what it can be, what it should be, and what it will be if we take a stand as leaders to return to our moral heritage and in the words of Winston Churchill, “Never give up, never give up, never give up.”

THE 314TH INFANTRY REGIMENT AND 79TH RECONNAISSANCE TROOP, 79TH INFANTRY DIVISION—53RD ANNUAL REUNION, NEW ORLEANS, LOUISIANA

Ms. LANDRIEU. Mr. President, I speak today to honor the Soldiers of the 314th Infantry Regiment, 79th Reconnaissance Troop, 79th Infantry Division. The 79th Infantry Division landed on Utah Beach, Normandy on June 14, 1944 and entered combat on June 19. Launching a 10-month drive through France, Germany, and Czechoslovakia, the 79th Infantry Division eventually repulsed heavy German counter-attacks and secured Allied positions all the way to the Rhine-Herne Canal and the north bank of the Ruhr. As a unit, the 314th Inf Rgmt earned the French Croix de Guerre with Palm to the 79th Infantry Division: [A] splendid unit initialed by savage vigor, landed in Normandy in June 1944. Covered itself with glory in the battles of Saint-Lô and at Haye de Puits. Participant in the capture of Fougeres, Laval, and Le Mans, then crossing on the enemy before marching triumphantly into Paris on 27 August 1944. By its bold actions, contributed largely to the success of the Allied armies and the liberation of Paris. Most notably, the 79th Infantry Division reinforced the greatest amphibious assault in modern history in its drive across the continent. On June 6, 2000, the National D-Day museum will open in New Orleans to not only commemorate the landing of America’s initial World War II armada but celebrate the valiant achievements of subsequent Army Divisions. As I see it, the invasion on Normandy in the summer of 1944 made three monumental accomplishments: it marked a critical milestone in military strategic history, initiated the Allied victory against Nazi Germany, and essentially a new era of American leadership.

Today, the American soldiers who risked their lives to foment these changes continue to inspire works of artists, authors, filmmakers, soldiers, and policymakers. In the words of Secretary Madeleine Albright, the United States, has become the “indispensable country” for preserving stability and security in the world. If this is true, then certainly these men make up an “indispensable generation.” Most recently, the writings of Tom Brokaw, Steven Spielberg, and New Orleans’ own Stephen Ambrose have captured the sense of American idealism and patriotic fervor invigorating our World War II veterans. These men’s contributions have persisted decades after V–E Day in their dedication to leading us to the forefront of world economic, political, and technological development. Accordingly, in the post-Cold War era, the United States and its allies have once again faced down mass-scale murder in Europe reminiscent of the Holocaust, and find you so bravely arrested. Our cooperation with Europe has evidently worked once again. As the European Union begins to realize its economic and political potential, I hope and forsee that we retain our trans-Atlantic relationship which has fostered the most intimate system of inter-state security for over fifty years. My state has a particular interest in maintaining ties with the continent from which much of our unique cultural and political identity derives. As Louisiana celebrates its French heritage in its 300th Francophone year, the people of our state salute you, in light of your supreme accomplishments: helping in the liberation of Normandy and the Third Reich, inaugurating an era of American preeminence and ultimately, making the world safe for democracy.

Three years later, the French Minister of National Defense cited the 79th Infantry Division: [A] splendid unit initialed by savage vigor, landed in Normandy in June 1944. Covered itself with glory in the battles of Saint-Lô and at Haye de Puits. Participant in the capture of Fougeres, Laval, and Le Mans, then crossing on the enemy before marching triumphantly into Paris on 27 August 1944. By its bold actions, contributed largely to the success of the Allied armies and the liberation of Paris.

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Congratulations to Christopher Cueva

Mr. MURKOWSKI. Mr. President, I rise today to recognize a constituent of mine, Mr. Christopher Cueva of Anchorage, Alaska, for his selection to attend the Research Science Institute’s intensive six-week summer program. The program, held at the Massachusetts Institute of Technology in conjunction with the Center for Excellence in Education, prepares students to be future world leaders, advancing science and technology on every level.

Christopher was one of 50 high school students selected for the program from across the country. All of the students considered for the program scored in the top one percent of those taking the PSAT exam. He shows extremely well rounded extra-curricular activities along with a strong academic background.

I am proud to see young people such as Christopher attaining academic success at a young age. It gives me hope and faith to see our education system producing individuals that have the capability to lead our country into the next millennium.

I believe it is important that we congratulate Christopher and all the students selected for this elite program. I also want to congratulate the Center for Excellence in Education and MIT for continuing their work of advancing our country’s work in science and technology. I am confident that Christopher will take full advantage of the opportunities before him, and again my congratulations to him.

Tribute to Amy Burke Wright

Mr. LEAHY. Mr. President, I take this opportunity to recognize the accomplishments of Amy Burke Wright for her receipt of the prestigious Certificate of Merit from the Lake Champlain Housing Development Corporation, LCHDC.

For 22 years Amy has been working to provide affordable housing to low income and disabled families in Vermont, and she has done it in such a way as to build respect and self-esteem among those she has helped. Amy has been the lead developer for twenty-five housing developments in eleven Vermont communities. I don’t know of a single one of those projects that fit the stereotype of affordable housing. More than once in attended the ground-breaking or ribbon cutting for one of the housing developments Amy has managed, I have wished I could live there. From her ground breaking work on the Thelma and Flynn Avenue Co-ops in Burlington to the wonderful redevelopment of an old school at the Marshall Center in St. Albans, Amy has changed the face of affordable housing in Vermont. For that, I and the hundreds of people who have benefitted from her work are deeply grateful.

And it is not just that Amy has brought affordable housing into the mainstream, it is how she has done it—
with a creativity and determination to go where no affordable housing pro-
vider has gone before. If a project uti-
lizes an innovative approach to owner-
ship, or an organization forms to ad-
dress affordable housing in new and ex-
citing ways, more likely than not, Amy was there founding and directing the first congregate housing project in Vermont, was a founding member of the Burlington Community Land Trust, the first non-profit in the state to actively promote long-term afford-
able and community control of housing, and is a member of the Board of 
Directors of Richmond Housing Inc. which recently sponsored the first project in Vermont to provide home office 
space to support resident economic development. And these examples only scratch the surface of her work.

During one event to celebrate the opening of yet another affordable housing 
project she had shepherded to com-
pletion, Amy gave me a wand for, she said, "I want to use it to charm in bring-
some federal funding to the reach. 
For all that Amy has done to bring 
quality affordable housing within reach for countless Vermont families, she 
deserves a super hero cape.

TRIBUTE TO MADELEINE ANNE THOMAS

• Mr. ABRAHAM. Mr. President, I rise 
today in memory of a dear friend, Made-
elle is. Who will not be around to direct 
drowned during a rafting trip on June 
22. I also want to pay tribute today to 
her husband and children who were with her on that day. I feel extremely 
fortunate to have known Madeleine as a 
friend. I know that she will be missed by many.

Madeleine Thomas had a propensity for helping people. This desire led her 
to specialize as a lawyer in the areas of 
domestic relations, small business law, 
and civil litigation. Her top priorities were cases involving chil-
dren—she served as the court refe-
er for the Wexford and Missaukee County Circuit Courts. In this capacity, she 
heard and ruled on all issues concern-
ing child support, child custody, visitation, paternity, and alimony for 
the Circuit Court.

Ms. Thomas was also influential in the advancement of women in her field. 
She was the first woman president of her local county bar association and she 
led the way in promoting equality by 
showing others that she could ac-
complish that which no other woman had.

Mr. President, I cannot put into words the importance this genuine per-
son had on the people she touched. Her 
son Christopher’s beautiful and touch-
ing eulogy truly captures the spirit of 
her loving and compassionate life. I 
ask to have printed in the RECORD 
Christopher’s heart-felt eulogy, which 
was printed in the Traverse City Record 
Eagle.

Mr. President, I yield the floor.

The eulogy follows:

MADELEINE ANNE THOMAS
DIED JUNE 22, 1999

TRAVERSE CITY.—The world’s greatest 
mother, most loving wife, kindest daughter and most compassionate lawyer died June 22. Madeleine Anne Thomas, 62, was 
drowned in a tragic river rafting accident in 
Montana during a family trip.

Madeleine lived a happily life, which started with her birth in Brook-
lyn, N.Y. on Nov. 2, 1937. After a childhood in which her parents, Jacqueline and Benjamin Thomas, taught her the essential values of 
gentle kindness, she graduated from Michi-
gan State University and received her law 
degree from the University of Detroit. While 
in college, Madeleine met and man of her dreams, Bob Eichenlaub.

Throughout their marriage, Bob and Made-
elle maintained a constant, fulfilling love. 
They truly saw each other through thick 
and thin. In richer and in poorer was 
always love.

She crafted into being two gentle children 
to whom she taught the skills of love. Chris-
topher T. Eichenlaub, 17, and Caroline T. 
Eichenlaub, 12, remember with joy all of 
the moments of guidance that their mother pro-
moted in their hearts. Whether a child to 
heart, a philosophical debate, or even an arg-
ument, Madeleine always had her children, 
and their future as individual souls, as her 
first interest.

Henry Wadsworth Longfellow once wrote, “Give what you have. To someone, it may be 
better than you dare to think”. These words 
sat on Madeleine’s desk and is how she lived 
her life. She gave all that she could, to 
any whom she could.

During her 15 years in Traverse City, she 
took in two teens, one as a foster child, and 
just last year, took a Russian exchange stu-
dent into her heart. She raised Glen and 
Stahsy as completely as she did her own, showing them how a family 
works and how truly motherly love feels.

While Madeleine consistently showed that 
her family, friends and spiritual life were her 
top priorities, she also set up her own law 
firm with partner Thomas Gilbert and 
became quite a renowned lawyer. Madeleine 
served a short period as a rotarian and also 
spent much time as a Wexford County refe-
er. On her ten year reunion questionnaire 
for a United Fund of Detroit, Madeleine 
said that the thing she liked most about her 
practice was her community involvement.

Because of this community involvement, 
her work and persistent work in many fields, Madeleine was recog-
nized and thanked by organizations includ-
ing: The Michigan Association for Emotion-
ally Disturbed Children, United Way, Wom-
en’s Resource Center, American Cancer Soci-
ety, Third Level Crisis Center, State Theatre 
Group, Traverse City Chamber of Commerce 
and Crooked Tree Girl Scouts. She wrote ar-
ticles for both the Business News and the 
Prime Time News, teaching her readers to be 
able to negotiate for themselves.

Among her beliefs, one of which was that she was known for, she will be most missed for her 
exploding, infectious laughter which bright-
ened any situation, softened any reality and 
livened any chance encounter. Her laughter 
brought people in. It was one of her best 
ways of showing love. Caroline, shortly be-
fore her mother’s death, said “Your laughter 
makes people feel good and that it did. 

Although a devout Catholic, Madeleine be-
lieved in the basics dignity inherent to all 
human races and cultures. She had faith in 
Christ the Savior, yet acknowledged that 
many beliefs may be the right belief, while 
very few could be wrong if the human con-
sciousness and health; in richer and in poorer their was 
always love.

Madeleine's beloved son, Chris-
topher.

IN MEMORY OF PAUL SCOTT HOWELL

• Mr. INHOFE. Mr. President, on 
Wednesday, July 28, Paul Scott Howell 
of Edmond, Oklahoma was shot and 
killed as he pulled into the driveway of 
his parents' home. The apparent mo-
tive is carjacking: At the time of his 
death, Mr. Howell was returning from a 
shopping trip for school supplies with 
his daughters and his sister. Fortu-
nately, his daughters and sister were not 
harmed.

On Monday, August 2, the City of Ed-
mourned this senseless death. It 
was clear from the tone of the service 
and from those who attended that Paul 
was loved and admired by many. Al-
though I never had the pleasure of 
knowing Paul, I suspect he only 
have his family and friends suffered a 
great loss but the entire country has as 
well because Paul was one of those peo-
ple that we all wish we could be like. I 
think Carol Hartzog, the Managing 
Editor of the Edmond Sun newspaper 
says it best in a recent column, “You 
would have liked Paul Howell.”

Mr. President, I ask to have printed in the 
RECORD Ms. Hartzog’s tribute to Paul 
Scott Howell.

The tribute follows:

[From The Edmond Sun, Aug. 3, 1999]
YOU WOULD HAVE LIKED PAUL HOWELL

(By Carol Hartzog)

Paul Howell’s life went full circle.

Four-year-old “Paulie" was blessed by a 
security that only a 1960s-era Edmond could 
know. He was an ideal father. It was a year 
later, Paul was gunned down dead in his boy-
hood neighborhood last Wednesday. He was a 
blessed youngster, and through life’s trials, 
had been gifted as an adult. He would not 
intend all who knew him.

Despite his death, his testament will live on.

Often, the media will make a victim of 
random violence into a larger-than-life char-
acter. But in this case, Paul Howell ministered to 
so many young and old. He would light up a room with his bounding 
presence, his boisterous, fun-loving way. On the 
other hand, he would light a candle, one hand, 
the other, and would offer his family and friends suffered a 
great loss but the entire country has as 
well because Paul was one of those peo-
ple that we all wish we could be like. I 
think Carol Hartzog, the Managing 
Editor of the Edmond Sun newspaper 
says it best in a recent column, “You 
would have liked Paul Howell.”

Mr. President, I ask to have printed in the 
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Scott Howell.

The tribute follows:

[From The Edmond Sun, Aug. 3, 1999]
"It takes a special person to let go of that anonymity," Bill said. Paul really didn’t care. He was so happy that AA had changed his life, he wanted to reach out and change as many others as he could.

"That’s the real wonder of Paul."

Paul took AA’s philosophy to the ultimate degree—one day at a time. A funeral for an alcoholic is not a simple goodbye. Often, there has been no road to recovery, only to death, either by your own hand or another’s.

In contrast, Paul Howell’s funeral Monday was a celebration—a celebration of one who had triumphed. And with Paul’s gifts of an award-winning smile, his sense of humor and his good looks, he helped so many because of his Maker.

Because of his hardships, he connected with the youth of his church, relating his failures and his message, “Don’t do to your parents what I did.”

Howell’s funeral Monday brought people from all the “walks” of his life—his Boyhood chums, his AA friends and the community of faith that had been there, literally, from the beginning.

I never had the pleasure of meeting Paul. But it was evident from the many I visited with that what I have said is true. He and his family touched many lives. His family roots extend to Edmond—a community coming to-gether to pay its respects to the victim of that security that came with that.

9,000. First Christian Church provided the se-

mince associate in the insurance industry.

Paul and his older brothers grew up.

On the other side of me was Larry, a busi-

ness associate in the insurance industry.

Through powerful, audible terms, all those

failed to be compassionate and the freedom to

take another’s life, Maxwell said.

I believe that Christians are to be people of grace as well as light and as the people who took Paul’s life. In this case, society places consequences on those sins acted out. But, Jesus said that any sin is just as deadly, even if it is, unspoken and re-

mains in the heart.

You are to forgive, for if you don’t, anger will literally eat away any energy or beauty that Paul may have left.

That’s what it’s all about. Grace. And if you are not at that point to forgive in your journey, say so. Make a commitment to try. The families of those in jail who are on this side of heaven and going through a worldly hell need your prayers.

I believe Paul would have been right there, leading the prayer service for those sinners like himself. He has experienced his own pri-

vate hell and knew from whence they came.

50TH YEAR ANNIVERSARY OF THE MANN GULCH FIRE

• Mr. BURNS. Mr. President, I rise today to remember a significant, but often overlooked historical event in our nation’s past-Montana’s Mann Gulch Fire which occurred 50 years ago today. This event continues to capture the nation’s attention because thirteen brave, young men died fighting this fire. LIFE Magazine ran a big story shortly after this.

In 1952, Holly-

wood made a movie about this unfortu-

nate disaster called “Red Skies of Monta-

na.” And Norman Maclean, who wrote the famous book “A River Runs Through It”, wrote a haunting best-

seller entitled “Youth, Man and Fire” in 1992. But even more remarkable, this single event marked a turning point in the way the federal government fights wildfires.

It was a hot summer day in August 1949, not unlike what we have recently experienced. Forest Service Fire Guard, James Harrison, reported a small fire in a little, funnel-shaped gulch along the Missouri River. The temperature was 97 degrees with a light wind from the north and east. The fire was located 20 miles north of Helena, Montana in a roadless area called the Gates of the Mountain. Param-

chuting 15 smokejumpers was decided to be the best approach to reach this remote area quickly to control this rel-

atively ordinary fire.

On the ground, the smokejumpers joined the Forest Serv-

ice Fire Guard to fight the fire. As they moved down the gulch toward the Mis-

souri River, the wind quickly shifted from the south, funnelling a strong wind up the gulch. As they got near the Missouri River, a wall of fire blocked their access to the river. The fire was getting hotter and swiftly moving up the gulch. Retreating back was their only solution, however, it was a hard hike back up the steep rocky slope of the gulch. As the firefighters retreated, dropping their equipment, a 30 foot wall of fire raced toward them and eventually overcame them.

In the end, only three firefighters survived—Wagner “Wag” Dodge, Walter Rumsey, and Robert Sallee. Thir-

teen fire fighters died as a testament to the power of a fire’s “blow up” which has increased due to global climate changes. Some of Mann Gulch faster than men could travel. Mr. President, I would like to take a moment to name those thirteen brave young men who lost their lives that day—Robert Bennett, Eldon Diettert, James Harrison, William Hellman, Philip McVey, David Nanov, Leonard Piper, Stanley Reba, Marvin Sherman, Joseph Sylvia, Henry Thol, Jr., Newton Thompson, and Silas Thompson.

This tragic loss 50 years ago, how-

ever, should not be remembered only in a somber way. We should remember the many positive changes that have come from this disaster. After investigating the Mann Gulch Fire, the federal gov-

ernment made a stronger commitment in fighting wildfires. For example, in 1954, President Dwight Eisenhower personally opened the Aerial Fire Depot in Missoula, Montana. Under-

standing how wildfires behave and how to best fight them also increased with the opening of research labora-

tories in Missoula, Montana and Macon, Georgia. Development of new techniques, such as “safety zones” and new technologies, such as reflective fire shelters, were made to increase the protection of fire fighters in the midst of a fire. These changes were made in large measure due to the sac-

rifice these thirteen brave men made on August 5, 1949.

There is one last step that needs to be taken. Congress needs to address some of the problems in maintaining the high quality of our nation’s fire fighting crews. Yesterday I introduced legislation which will do that. I trust my colleagues will join with me in sup-

porting it to ensure its passage. What could be a more fitting tribute to all the brave men and women who have lost their lives fighting wildfires

"He was really cool,” Matt said. Paul would occasionally give them tickets to Uni-

versity of Oklahoma ball games.

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"He was really cool,” Matt said. Paul would occasionally give them tickets to Uni-

versity of Oklahoma ball games.
than to enact legislation this year to strengthen the quality of our nation’s firefighting crews.

Mr. President, I invite my colleagues to join me in honoring these brave men for their dedication, sacrifice, and contribution to protect America from wildfires and fires. To these men honored and duty, we salute them.

TRIBAL COLLEGES AND UNIVERSITIES BRING HOPE TO NATIVE PEOPLE

Mr. CAMPBELL. Mr. President, I want to express my support for the 31 Tribal Colleges and Universities that provide hope to America’s Native communities. The Tribal College movement began some 30 years ago and has proven track record of success as an integral, viable part of Native American communities.

I believe that Tribal Colleges are the nation’s best kept secrets in higher education, and it saddens me to report that the Tribal Colleges are the nation’s most underfunded institutions in higher education.

In comparison to the mainstream community colleges and universities system, the Tribal College movement is still in its infancy. Over a 30 year period, Tribal Colleges have managed to change the social landscape of Indian country, operating on a shoestring budget while maintaining full national collegiate accreditation standards.

Tribal Colleges currently operate on a budget of forty percent less than what mainstream community colleges receive from government sources. This is a remarkable feat. Tribal Colleges continue to survive despite these and other difficulties as problems in the recruitment and retention of faculty due to remote locations and inability to offer competitive salaries.

Unlike other schools, Tribal Colleges do not receive automatic state funding for non-Indian students since they are located on Indian trust lands even though they provide GED, remedial and adult literacy programs for all students, and also双语 as community, cultural and child centers.

Enrollment numbers exceed approximately 26,000 students being served, with growth rate averages of approximately eight percent per year. With this in mind, these institutions must have adequate funding to meet the growing demands being place on these tribal educational hubs.

Tribal Colleges are experiencing an enrollment boom and with steady level-funding, will actually see the quality of services deteriorate. I am supportive of efforts to find and provide additional funds for Tribal Colleges as are many of my colleagues.

Studies have shown that Tribal Colleges significantly decrease employment rates, substance abuse levels, and pregnancy in some of the nation’s poorest communities. More than forty percent of students who attend Tribal Colleges transfer to four-year institutions, and a majority of them return to assist their reservations after receiving their degrees.

I would like to cite two examples of many success stories of the positive impact of the Tribal Colleges:

Justin Flinkbonner of the Lummi Nation graduated from Northwest Indian College in Bellingham, Washington with an Associate Arts Degree. Justin continued my education by transferring to complete a four-year Bachelor’s Degree in Environmental Policy from the Huxley College of Environmental Studies at Western Washington University. Currently, he is serving as Morris K. Udall Foundation Native American Congressional Fellow this summer on Capitol Hill experiencing the legislative process with the intention to return to the Lummi Nation, help his people and one day achieve his goal of becoming a tribal leader.

In his own words, the Northwest Indian College offered an academic setting and curriculum that no other mainstream institution could offer. For example, one would not receive Lummi tribal history and Lummi language classes at their college, plus the individual attention from faculty and staff to ensure my success. The differences from mainstream colleges and universities still influence me to this day to aspire to achieve my goals. I would never had encouragement and support from this many people to show me that they care about me and my future. I owe a great deal to the Tribal Colleges.

Another success story: Julie Jefferson of the Nooksack tribe, forty-five years old, a wife, a mother of three, a grandmother of five—she has worked at the Northwest Indian College for twelve years as an Administrative Assistant for Instructional Services. She is currently a full-time college employee working her way through her academic pursuits. While working in full capacity, she has managed to complete a two year Associate Arts Degree and still currently working while pursuing a Bachelor’s Degree in Human Services at the Woodring College of Education at Western Washington University in Washington State. Ms. Jefferson expects to graduate in the Spring of 2000 with goals to continue her education pursuing a Master’s Degree. She is a classic example of the tribal student profile of being a non-traditional female student with dependents from a nearby surrounding community.

Of the 31 Tribal Colleges, two offer Master’s Degree programs, four offer Bachelor Degree Programs and many are in the process of developing four-year degree programs cooperatively with nearby mainstream institutions. Tribal College’s are awarding more than 1,000 Associate Degrees each year, and these Degrees represent nineteen percent of all Associate Degrees awarded to American Indians. This is an impressive figure considering the Tribal Colleges educate more than twenty percent of all American Indian students.

In Academic Year 1996–1997 the Tribal Colleges awarded: 1,016 Associate Degrees, 88 Bachelor Degrees and 7 Masters Degrees. In Academic Year 1995–1996: 1,024 Associate Degrees, 57 Bachelor Degrees and 7 Masters Degrees were awarded. Obviously, these statistics from the National Center for Education solidifies the success of the Tribal College movement producing graduates—future, productive members of their communities and of society.

Mr. President, I would like to conclude my statement with a quote from one of two special reports produced by the Carnegie Foundation for Advancement of Teaching titled, “Tribal Colleges: Shaping the Future of Native America”. I, again want to reinforce my support of this nation’s 31 Tribal Colleges and to encourage my colleagues on both sides of the aisle to offer their support along with me:

Tribal Colleges offer hope. They can, with adequate support, continue to open doors of opportunity to the coming generations and help Native American communities bring together a cohesive society, one that draws inspiration from the past in order to shape a creative, inspired vision of the future.

CONGRATULATING ANDREW ROTHERHAM

Mr. GORTON. Mr. President, I take this opportunity to congratulate Andrew Rotherham on his new position in the White House as the Special Assistant to the President for Education Policy. Mr. Rotherham was formerly the director of the 21st Century Schools Project at the Progressive Policy Institute, the think tank of the Democratic Leadership Council. Mr. Rotherham has in the past worked closely with my staff on education issues, and I want to wish him success in his new endeavor.

Mr. Rotherham’s appointment also may create an opportunity for the Administration to reforms on education. Recently, the House passed the Teacher Empowerment Act in a bipartisan fashion, 239-185. I had the opportunity to participate in a press conference earlier this week at which Senator Gramm unveiled a slightly different Senate version of the Teacher Empowerment Act. Unfortunately, the President has signaled his intention to veto this legislation because it does not explicitly authorize his Class Size Reduction program. I recommend and hope that the President reconsiders what Mr. Rotherham has said recently about that proposal.

In his position at the Progressive Policy Institute, Mr. Rotherham wrote Toward Performance-Based Federal Education Funding—Authorization of the Elementary and Secondary Education Act, a policy paper that in part touched on the merits of the President’s class size reduction program and the issue of local control of education decisions. In a section of this paper entitled Teacher Quality, Class Size, and Student Achievement, he has this to say about the class size reduction program,
Now a part of Title VI of ESEA, President Clinton’s $1.2 billion class-size reduction initiative, passed in 1998, illustrates Washington’s obsession with means at the expense of results. It also demonstrates the technocratic triumph of symbolism over sound policy. The goal of raising student achievement is reasonable and essential; however, mandating localities to do it by reducing class sizes precludes local decision-making and unnecessarily involves Washington in local affairs.

Mr. Rotherham goes on to state, “During the debate on the Clinton class-size proposal, it was correctly pointed out that research indicates that teacher quality is a more important variable in student achievement than did any other use of school resources.” Yet despite this, the class-size initiative allows only 15 percent of the $1.2 billion appropriation to be spent on professional development. Instead of allowing states and localities flexibility to address their own particular circumstances, Washington created a one-size-fits-all approach.

Mr. Rotherham ends this section of the paper by asking the following insightful question, “I am hopeful that Mr. Rotherham will prevail upon President Clinton to work with Congress to pass education reform that allows states and localities the possibility of choosing class sizes that work with Congress to pass education reform that allows states and localities the possibility of choosing class sizes that work for them.”

The legislative clerk read as follows:

**TRIBUTE TO WHITEHALL AND MONTAGUE VETERANS**

- Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the Veterans of WWII from Whitehall and Montague, Michigan, on the occasion of the Restoration Day and Dedication of the WWII Monument in Whitehall, Michigan.

We as a country cannot thank enough the men and women of the armed forces who have served our country. The very things that make America great today we owe to those men and women who served our country by listing them in the Congressional Record.

Some of them even gave their lives. On August 14, 1949, there will be a WWII Monument Rededication honoring the Whitehall and Montague Veterans. At that time, their families will, in a small but significant way, thank them for the sacrifices they made to keep us free.

I would like to take this opportunity to join the people of Whitehall and Montague in honoring all of their citizens who fought for our country. Furthermore, I would like to pay special tribute to those men who gave their lives for our country by listing them in the Congressional Record.

Mr. President, I yield the floor.

**ANTICYBERSQUATTING CONSUMER PROTECTION ACT**

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 240, S. 1255.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1255) to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

**SECTION 1. SHORT TITLE. REFERENCES.**

(a) SHORT TITLE—This Act may be cited as the “Anticybersquatting Consumer Protection Act.”

(b) REFERENCES TO THE TRADEMARK ACT OF 1946—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act...
entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:
(1) The registration, trafficking in, or use of a domain name, marking a site accessible under the domain name, is identical without regard to the goods or services of the parties, with the bad-faith intent to profit from the goodwill of another's mark (commonly referred to as "cyberpiracy" and "cybersquatting");
(2) The registration, trafficking in, or use of a domain name by a person who would have been a defendant in the civil action against a domain name if—
(A) results in consumer fraud and public confusion as to the true source or sponsorship of goods and services;
(B) interferes with electronic commerce, which is important to interstate commerce and the United States economy;
(C) deprives legitimate trademark owners of substantial revenues and consumer goodwill; and
(D) places unreasonable, intolerable, and overwhelming burdens on trademark owners in protecting their valuable trademarks.

(2) Amendments to the Trademark Act of 1946 would clarify the rights of a trademark owner to provide for adequate remedies and to deter cyberpiracy and cybersquatting.

SEC. 3. CYBERPIRACY PREVENTION.

(a) IN GENERAL.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by inserting at the end of the section:

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"(B) In determining whether there is a bad-faith intent described under subparagraph (A), a court may consider factors such as, but not limited to—
(i) the trademark or other intellectual property rights of the person, if any, in the domain name;
(ii) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify the person;
(iii) the person’s prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;
(iv) the person’s legitimate noncommercial or fair use of the mark in a site accessible under the domain name;
(v) the person’s intent to divert consumers from the mark owner’s online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either directly or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;
(vi) transfer to, or otherwise assign the domain name to the mark owner or any third party for substantial consideration without having used, or having an intent to use, the domain name in the bona fide offering of any goods or services;
(vii) the person’s intentional provision of material and misleading false contact information upon application for the registration of the domain name; and
(viii) the person’s registration or acquisition of multiple domain names which are identical without regard to the goods or services of such persons.
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(b) ADDITIONAL CIVIL ACTION AND REMEDY.—

The civil action established under section 43(a)(1) of the Trademark Act of 1946 (as added by this Act, and the application of the provisions of this Act, the amendment made by this Act, or the application of such provision or amendment to any person or circumstance shall not be affected thereby) shall not be available with respect to the registration, trafficking in, or use of a domain name that occurs before the date of enactment of this Act.

AMENDMENT NO. 169

(Purpose: To clarify the rights of domain name registrants and Internet users with respect to lawful uses of Internet domain names, and for other purposes)

Mr. BROWNBACK. Mr. President, Senators HATCH and LEAHY have an amendment at the desk, and I ask for its immediate consideration.

THE PRESIDING OFFICER. The clerk will report the amendment.

The Senator from Kansas [Mr. BROWNBACK], for Mr. HATCH, for himself and Mr. LEAHY, proposes an amendment numbered 169.

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

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

The amendment is as follows:

On page 15 of the amendment, at the end of line 1, beginning with “to” strike all through the comma on line 7 and insert “or confusingly similar to a trade-mark or service mark of another that is distinctive at the time of the registration of the domain name, or dilutive of a famous trade-mark or service mark of another that is famous at the time of the registration of the domain name.”

On page 11, strike lines 5 through 12 and insert the following:

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"(iv)(A) A person shall be liable in a civil action brought by the owner of a domain name or service mark if, without regard to the goods or services of the parties, that person—
(i) has a bad faith intent to profit from that trade-mark or service mark; and
(ii) registers, traffics in, or uses a domain name that—
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Despite the protections of existing trademark law, cyber-pirates and online bad actors are increasingly taking advantage of the novelty of the Internet and the online vulnerabilities of trademark owners to deceive and defraud consumers. Cyber-squatting threatens the valuable trademarks of American businesses. In some cases these bad actors register the well-known marks of others as domain names with the intent to extract sizeable payments from the rightful trademark owners in exchange for relinquishing the rights to the name in cyberspace. In others they use the domain name to divert unsuspecting Internet users to their own sites, which are often pornographic sites or competitors’ sites that prey on consumer confusion. Still others use the domain name to engage in counterfeiting activities or for other fraudulent or nefarious purposes.

In considering this legislation, the Judiciary Committee has seen examples of many such abuses. For example, we heard testimony of consumer fraud being perpetrated by the registrant of the “attphonecard.com” and “attcallingcard.com” domains who set up Internet sites purporting to sell cell phone minutes personally by identifying information, including credit card numbers. We also heard examples of counterfeit goods and non-germane Porsche parts being sold on a website with a number of more than 300 web sites owned by a domain name registrant wearing Porsche’s name. The risks posed to consumers by these so-called “dot.com” artists continue to escalate as more people go online to buy things like pharmaceuticals, financial services, and even groceries.

I was also surprised to learn that the “downey.com” domain was being used for a hard-core pornography website—a fact that was brought to the attention of the Walt Disney Company by the owner of the domain name. Arrived at that site when looking for Disney’s main page. In a similar case, a 12-year old California boy was denied privileges at his school when he entered “zelda.com” in a web browser at his school library. Looking for a site he expected to be affiliated with the popular computer game of the same name, but ended up at a pornography site. Young children are not the only victims of this sort of abuse. Recently the Committee also heard the case of a “pentium3.com” domain snatched up by a cybersquatter who used it to post pornographic images of celebrities and offered to sell the domain name to the highest bidder.

The Committee also heard numerous examples of online bad actors using domain names to engage in unfair competition. For example, one domain name registrant used the name “wwwcarpoint.com,” without a period following the domain name, to drive consumers who were looking for Microsoft’s popular Carpoint car buying service to a competitor’s site offering similar services. Other bad actors don’t even bother to offer competing services, opting instead to register multiple domain names to interfere with companies’ ability to use their own trademarks online. For example, the Committee was told that Warner Bros. was asked to pay $1 million for the rights to the names “warner-records.com,” “warner-bros-records.com,” “warner-pictures.com,” “warner-bros-pictures.com,” and “warner-pictures.com.”

It is time for Congress to take a closer look at these abuses and to respond with appropriate legislation. The bill the Senate considers today will address these problems by clarifying the rights of trademark owners with respect to cybersquatting, by providing clear deterrence to prevent such bad faith and abusive conduct, and by providing adequate remedies for trademark owners in those cases where it does occur. And while the bill provides many important protections for trademark owners, it is important to note that the bill we are considering today reflects the text of a substitute amendment that Senator LEAHY and I offered in the Judiciary Committee to carefully balance the rights of trademark owners with the interests of Internet users. The text is not substantively changed, as was the indication that Senator LEAHY and I introduced as S. 1461, with Senators ABRAHAM, TORRICELLI, DE WINE, KOHL, and SCHUMER as cosponsors. In short, it represents a balanced approach that respects the interests of Internet users and the businesses that drive our economy while at the same time preserving the rights of Internet users to engage in protected expression online and to make lawful uses of others’ trademarks in cyberspace.

Let me take just a minute to explain some of the changes that are reflected in the bill as it has been reported to the Senate by the Judiciary Committee. While the current bill shares the look and has some similarity to, the bill as introduced, it differs in a number of substantial respects. First, like the legislation introduced by Senator ABRAHAM, this bill allows trademark owners to recover statutory damages in cybersquatting cases, both to deter wrongful conduct and to provide adequate remedies for trademark owners who seek to enforce their rights in court. The reported bill goes beyond simply stating the remedy, however, and includes an action, based in trademark law, to define the wrongful conduct sought to be deterred and to fill in the gaps and uncertainties of current trademark law with respect to cybersquatting.

Under the bill as reported, the abusive conduct that is made actionable is appropriately limited to bad faith registrations of others’ marks by persons who seek to profit unfairly from the goodwill associated therewith. In addition, the reported bill balances the interests of trademark owners with the interests of Internet users who would make fair use of others’ marks or otherwise engage in protected...
speech online. The reported bill also limits the definition of domain name identifier to exclude such things as screen names, file names, and other identifiers not assigned by a domain name registrar or registry. It also omits criminal penalties found in Senator Abraham’s original legislation.

Second, the reported bill provides for in rem jurisdiction, which allows a mark owner to seek the forfeiture, cancellation, or transfer of an infringing domain name by filing an in rem action against the name itself, where the domain name violates the mark owner’s substantive trademark rights and where the mark owner has satisfied the court that it has exercised due diligence in trying to locate the owner of the domain name but is unable to do so. A significant problem faced by trademark owners in the fight against cybersquatting is the fact that many cybersquatters register domain names under plausible or otherwise provide false information in their registration applications in order to avoid identification and service of process by the mark owner. The bill, as reported, will alleviate this difficulty, while protecting the notions of fair play and substantial justice. A mark owner may seek an injunction against the infringing property in those cases where, after due diligence, a mark owner is unable to proceed against the domain name registrant because the registrant has provided false contact information and is otherwise not to be found.

Additionally, some have suggested that dissidents or others who are online incognito for similar legitimate reasons might give false information to protect themselves and have suggested the need to preserve a degree of anonymity on the Internet particularly for this reason. Allowing a trademark owner to proceed against the domain names themselves, provided they are, in fact, diluting or傍 pass their mark. The Trademark Act, decreases the need for trademark owners to join the hunt to chase down and root out these dissidents or others seeking anonymity on the Net. The approach in this bill is a good compromise, which provides meaningful protection to trademark owners while balancing the interests of privacy and anonymity on the Internet.

Third, like the original Abraham bill, the substitute amendment encourages domain name registrars and registries to work with trademark owners to prevent cybersquatting by providing a limited exemption from liability for domain name registrars and registries that suspend, cancel, or transfer domain names pursuant to a court order or in the implementation of a reasonable policy prohibiting cybersquatting. The bill goes further, however, in order to protect the rights of domain name registrants against overreaching trademark owners. The reported bill is consistent with other provisions of the reported bill that seek to protect domain name registrants against overreaching trademark owners.

Let me say in conclusion that this is an important piece of legislation that will promote the growth of online commerce by providing consumers and businesses with and providing clarity in the law for trademark owners in cyberspace. It is a balanced bill that protects the rights of Internet users and the interests of all Americans in free speech and protected uses of trademarked names for such things as parody, criticism, comparative advertising, news reporting, etc. It reflects many hours of discussions with senators and affected parties on all sides. Let me thank Senator LEAHY for his work in crafting this particular measure, as well as Senator ABRAHAM for his cooperation in this effort, and all the other cosponsors of the bill and the substitute amendment adopted by the Judiciary Committee last week. I look forward to my colleagues’ support of the bill and to working with them to get this important bill promoting e-commerce and online consumer protection through the Senate and enacted into law.

Mr. LEAHY. Mr. President, I am pleased that the Senate is today passing the Hatch-Leahy substitute amendment to S. 1255, the “Anticybersquatting Consumer Protection Act.” Senator HATCH and I, and others, have worked hard to craft this legislation in a balanced fashion to protect trademark owners and consumers doing business online, and Internet users who want to participate in what the Supreme Court has described as “a unique and wholly new medium of worldwide human communication.”

Reno v. ACLU, 521 U.S. 844 (1997). On July 29, 1999, Senator HATCH and I, along with several other Senators, introduced S. 1461, the “Domain Name Piracy Prevention Act of 1999.” This bill then provided the text of the Hatch-Leahy substitute amendment that we offered to S. 1255 at the Judiciary Committee’s hearing the same day. The Committee unanimously reported the substitute amendment favorably to the Senate for consideration. This substitute amendment, with three additional refinements contained in a Hatch-Leahy clarifying amendment, is the legislation that the Senate considers today.

Trademarks are important tools of commerce. The exclusive right to the use of a unique mark helps companies compete in the marketplace by distinguishing their goods and services from those of their competitors, and helps consumers identify the source of a product by linking it with a particular company. The use of trademarks by companies, and reliance on trademarks by consumers, will only become more important as the marketplace becomes larger and more accessible with electronic commerce. The reason is simple: when a trademarked name is
used as a company's address in cyberspace, customers know where to go online to conduct business with that company.

The growth of electronic commerce is having a positive effect on the economy, rural or urban. A Vermont report found that Vermont gained more than 1,000 new jobs as a result of Internet commerce, with the potential that Vermont could add more than 24,000 jobs over the next two years. For a small state like ours, this is very good news.

Along with the good news, this report identified a number of obstacles that stand in the way of Vermont reaching its full potential promised by Internet commerce. One obstacle is that "merchants are anxious about how they will be able to control where their domains and brands are being displayed." Another is the need to bolster consumers' confidence in online shopping.

Cybersquatting hurts electronic commerce.—Both merchant and consumer confidence in conducting business online are undermined by so-called "cybersquatting" or "cyberpirates," who seek to take advantage of the rights of trademark holders by purposely and maliciously registering as a domain name the trademarked name of another company to divert and confuse customers or to deny the company the ability to establish a presence on the Internet. Cybersquatting is "predatory and parasitical practices by a minority of domain registrants acting in bad faith" to register famous or well-known marks of others—which can lead to consumer confusion or downright right fraud.

Enforcing trademarks in cyberspace will not be easy in the global electronic commerce.—Enforcing trademark law in cyberspace can help bring consumer confidence to this new frontier. That is why I have long been concerned with protecting registered trademarks on-line. Indeed, when the Congress passed the Federal Trademark Dilution Act of 1995, I noted that: "[A]lthough no one has yet considered this application, it is my hope that this antidilution statute can help stem the use of the Internet addresses taken by those who are registering names that are associated with the products and reputations of others." (Congressional Record, Dec. 29, 1995, page S19312)

In addition, last year I authored an amendment that was enacted as part of the Next Generation Internet Research Act authorizing the National Research Council of the National Academy of Sciences to study the effects on trademark holders of adding new top-level domains and requesting recommendations on inexpensive and expeditious procedures for resolving trademark disputes over the assignment of domain names. Both the Internet Corporation for Assigned Names and Numbers (ICANN) and WIPO are also making recommendations on these procedures. Adoption of a uniform trademark domain name dispute resolution system would be of enormous benefit to American trademark owners.

The "Domain Name Piracy Prevention Act," S. 1461, which formed the basis for the substitute amendment to S. 1255 that the Senate considers today, is not intended in any way to frustrate these efforts. These global efforts already underway to develop inexpensive and expeditious procedures for resolving domain name disputes that avoid costly and time-consuming litigation in the court systems either here or abroad. In fact, the legislation expressly provides liability limitations for domain name registrars that take actions pursuant to a reasonable policy prohibiting the registration of domain names that are identical or confusingly similar to another's trademark or dilutive of a famous trademark. The ICANN and WIPO recommendation of these issues will inform the development by domain name registrars and registries of such reasonable policies.

The Federal Trademark Dilution Act of 1995 has been used as I predicted to help stop misleading uses of trademarks as domain names. One court has described this exercise by saying that "attempting to apply established trademark law in the fast-developing world of the Internet is somewhat like trying to board a moving bus . . ." (Bon耕 Restaurant Corp. v. King, 126 F.3d 25 (2d Cir. 1997). Nevertheless, the courts appear to be handling "cybersquatting" cases well. As University of Miami Law Professor Michael Froomkin noted in testimony submitted at the Judiciary Committee's hearing on July 22, 1999, "[i]n every case involving a person who registered large numbers of domains for resale, the cybersquatter has lost." For example, courts have had little trouble dealing with a notorious cybersquatter, Dennis Toeppen from Illinois, who registered more than 100 trademarks—including "yankee stadium.com," "deltairlines.com," and "neiman-marcus.com"—as domain names. He was eventually forced to sell the names back to the companies owning the trademarks. The various courts reviewing his activities have unanimously determined that he violated the Federal Trademark Dilution Act.

Similarly, Wayne State University Law Professor Jessica Litman noted in testimony submitted at the Judiciary Committee's hearing that those businesses which "have registered domain names that are confusingly similar to trademarks or personal names in order to use them for pornographic web sites . . . have without exception lost suits brought against them."
The original bill threatened hyper-text linking.—The Web operates on hypertext linking, to facilitate jumping from one site to another. The original bill could have disrupted this practice by imposing liability on operators of sites which linked to other sites using trademarked names in the address. One could imagine a trademark owner not wanting to be associated with or linked with certain sites, and threatening suit under this proposal unless the link were eliminated or payments were made for allowing the linking.

The original bill would have criminalized dissent and protest sites.—A number of Web sites collect complaints about trademarked products or services and use the trademarked names to identify themselves. For example, there are protest sites named “boycott-cbs.com” and “www.PepsiBloodbath.com.” While the speech contained on those sites is clearly constitutionally protected, as origination, S. 1255 would have criminalized the use of the trademarked name to reach the site and made them difficult to search for and find online.

The original bill would have stifled legitimate warehousing of domain names.—The bill, as introduced, would have changed current law and made liable persons who merely register domain names similar to other trademarked names, whether or not they actually set up or use the name. The courts have recognized that companies may have legitimate reasons for registering domain names without using them and have declined to find trademark violations for mere registration of a trademarked name. For example, a company planning to acquire another company might register a domain name containing the target company’s name in anticipation of the deal. The original bill would have made that company liable for trademark infringement.

For these and other reasons, Professor Litman concluded that, as introduced, the “bill would in many ways be bad for electronic commerce, by making it hazardous to do business on the Internet without first retaining trademark counsel.” Faced with the risk of criminal penalties, she stated that “many start-up businesses may choose to abandon their goodwill and move to another Internet location, or even to fold, rather than risk liability.”

The Hatch-Leahy Domain Name Piracy Prevention Act and substitute amendment to S. 1255 are a better solution.—S. 1461, the “Domain Name Piracy Prevention Act,” which Senators HATCH and I., and others, introduced and which provides the text of the substitute amendment to S. 1255, addresses the cybersquatting problem without jeopardizing other important online rights and services. Along with the Hatch-Leahy clarifying amendment we consider today, this legislation would amend section 43 of the Trademark Act (15 U.S.C. § 11125) by adding a new section to make liable for actual or statutory damages any person who, with bad-faith intent to profit from the goodwill of another’s trademark, without regard to the goods or services of the parties, registers, traffics in or uses a domain name that is identical or confusingly similar to a registered trademark, or dilutive of a famous trademark. The fact that the domain name registrant did not compete with the trademark owner would not be a bar to recovery.

Uses of infringing domain names that support liability under the legislation are expressly limited to uses by the domain name registrant or the registrant’s authorized licensee. This limitation makes clear that “uses” of domain names by persons other than the domain name registrant for purposes such as hyper-text linking, directory publishing, or for search engines, are not covered by the prohibition.

Domain name piracy is a real problem. While the problem is clear, narrowly defining liability for mere presence of a trademark is not enough. Legitimate conflicts may arise between companies offering different services or products under the same trademarked name, such as Juno lighting Inc. and Juno online services over the juno.com domain name, or between companies and individuals who register a name or nickname as a domain name, such as the young boy nicknamed “pokey” whose domain name “pokey.org” was challenged by the toy manufacturer who owns rights to the Gumby and Pokey toys. In other cases, you may have a site which uses a trademarked name to protest a group, company or issue, such as pepsibloodbath.com, or even to defend one’s reputation, such as www.civil-action.com, which belongs not to the motion picture studio, but to W.R. Grace to rebut the unflattering portrait of the company as a polluter and child poisoner created by the movie. The legislation will balance the differences between these sorts of sites and those which use deceptive naming practices to draw attention to their site (e.g., whitehouse.com), or those who use domain names to misrepresent the goods or services offered (e.g., dellmenor.com, which may be confused with the Dell computer company).

We must also recognize certain technological realities. For example, merely mentioning a trademark is not a trademark violation. This section mentions AOL on my web page and calling the page aol.html, confuses no one between my page and America Online’s site. Likewise, we must recognize that while the Web is a key part of the Internet, it is not the only part. We simply do not want to pass legislation that may impose liability on Internet users with e-mail addresses, which may contain a trademark name. Nor do we want to crack down on newsgroups that use trademarks descriptively, such as alt.comics.batman.

In short, it is important that we distinguish between the legitimate and illeterate use of domain names, and this legislation does just that. Significant sections of this legislation include:

Definition.—Domain names are narrowly defined to include alphanumeric designations registered with or assigned by domain name registrars or registraries, or other domain name registration authority as part of an electronic address on the Internet. Since registrars only register second level domain names, this definition effectively excludes file names, screen names, and e-mail addresses and, under current registration practice, applies only to second level domain names.

Relevent Requirement.—Good faith, innocent or negligent uses of a domain name that is identical or confusingly similar to another’s mark or dilutive of a famous mark are not covered by the legislation’s prohibition. Thus, registering a domain name while unaware that the name is another’s trademark would not be actionable. Nor would the use of a domain name that contains a trademark for purposes of protest, complaint, parody or commentary satisfy the requisite scienter requirement. Bad-faith intent to profit is required for a violation to occur. This requirement of bad-faith intent to profit is critical since, as Professor Litman pointed out in her testimony, our trademark laws permit multiple businesses to register the same trademark for different classes of products. Thus, she explains:

[although courts have been quick to impose liability for bad-faith registration, they have been far more cautious in disputes involving a domain name registrant who has a legitimate claim to use a domain name and registered it in good faith. In a number of cases, courts have refused to impose liability where there is no significant likelihood that anyone will be misled, even if there is a significant possibility of trademark dilution.]

The legislation outlines the following non-exhaustive list of factors for courts to consider in determining whether such bad-faith intent to profit is proven: (i) the trademark rights of the domain name registrant in the domain name; (ii) whether the domain name is the legal name or nickname of the registrant; (iii) the prior use by the registrant of the domain name in connection with the bona fide offering of any goods or services; (iv) the registrant’s legitimate noncommercial or fair use of the mark at the site under which the domain name is used; and (v) the registrant’s intent to divert consumers from the mark’s owner’s online location in a manner that could harm the mark’s
goodwill, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the site; (vi) the registrant’s offer to sell the domain name for substantial consideration, having no legitimate interest in the domain name; and (vii) the registrant’s registration of multiple domain names that are identical or similar to or dilutive of another’s trademark.

Damages.—In civil actions against cybersquatters, the plaintiff is authorized to recover actual damages and profits, or may elect before final judgment to award of statutory damages of not less than $1,000 and not more than $100,000 per domain name, as the court considers just. The court is directed to remit statutory damages in any case where the owner reasonably believed that use of the domain name was a fair or otherwise lawful use.

In Rem Actions.—The bill would also permit plaintiffs in rem action filed by a trademark owner in circumstances where the domain name violates the owner’s rights in the trademark and the court finds that the owner demonstrated due diligence and was not able to register the domain name. This relief allows the owner to bring an in personam civil action. The remedies of an in rem action are limited to a court order for forfeiture or cancellation of the domain name or the transfer of the domain name to the trademark owner.

Liability Limitations.—The bill would limit the liability for monetary damages of domain name registrars, registries or other domain name registration authorities for any action they take to remit statutory damages, or to register, renew, from registration, transfer, temporarily disable or permanently cancel a domain name pursuant to a court order or in the implementation of reasonable policies prohibiting the registration of domain names that are identical or confusingly similar to another’s trademark, or dilutive of a famous trademark.

Prevention of Reverse Domain Name Hijacking.—Reverse domain name hijacking, by a true faith trademark owner to take a domain name from a legitimate good faith domain name registrant. There have been some well-publicized cases of trademark owners demanding the take down of certain web sites set up by parents who have registered their child’s names in the .org domain, such as two year old Veronica Sams’s “Little Veronica” website and 12 year old Chris “Pokey” Van Allen’s web page.

In order to protect the rights of domain name registrants in their domain names the legislation provides that registrants may recover damages, including costs and attorney’s fees, incurred as a result of a knowing and material misrepresentation by a person that a domain name is identical or similar to, or dilutive of, a trademark. In addition, a domain name registrant, whose domain name has been suspended or disabled, may sue upon notice to the mark owner, to establish that the registration or use of the domain name by the registrant is lawful. The court in such a suit is authorized to grant injunctive relief, including the reactivation of a domain name or the transfer or return of a domain name to the domain name registrant.

Cybersquatting is an important issue both for trademark holders and for the future of electronic commerce on the Internet. Any legislative solution to cybersquatting must tread carefully to ensure that authorized remedies do not impede or stifle the free flow of information on the Internet. In many ways, the United States is the incubator of the World Wide Web, and the world closely watches whenever we venture into laws, customs or standards that affect the Internet. We must only do so with great care and caution. Fair use principles are just as critical in cyberspace as in the intellectual property arena. I am pleased that Chairman HATCH and I, along with Senators ABRAHAM, TORRICELLI, and KOHL have worked together to find a legislative solution that respects these considerations.

Mr. ABRAHAM. Mr. President, I am pleased to rise today in order to comment on S. 1255, the Anticybersquatting Consumer Protection Act of 1999. Through the tremendous help of several of my colleagues, notably Senators HATCH, LEAHY, TORRICELLI, MCCAIN, BREAUX, and LOTT, we moved this bill in little over one month from a concept to final product, through the Judiciary Committee and the full Senate, and once again with unanimous support through the Senate floor. I thank all involved for their help, and I am comfortable in my belief that we have accomplished a great feat here today: the Senate has taken an important step in reforming trademark law for the digital age, and in protecting the expectations and safety of consumers, and the property rights of business nationwide.

This legislation will combat a new form of high tech fraud that exploits the reasonable expectations which party to a dispute will win, and on what grounds, in the future, whether perpetrated to defraud the public or to extort the trademark owner, squatting on Internet addresses using trademarked names is wrong. Whether perpetrated to defraud the public or to extort the trademark owner, squatting on Internet addresses using trademarked names is wrong. This legislation is a recognition that companies and individuals build a property right in brand names because of the reasonable expectations they raise among consumers. If you order a Compaq or Apple computer, that should mean that you get a computer made by Compaq or Apple, not one built by a fly-by-night company pirating the name. The same goes for trademarks on the Internet.

To protect Internet growth and job creation, Senator TORRICELLI, HATCH, MCCAIN, and I introduced an anticybersquatting bill which received strong public support. A number of suggestions convinced me of the need
for substitute legislation addressing the problem of in rem jurisdiction and eliminating provisions dealing with criminal penalties, and I have been pleased to work with Senators HATCH and LEAHY to that effect.

Our final legislative product would establish uniform federal rules for dealing with this attack on interstate electronic commerce, supplementing existing rights under trademark law. It establishes a civil action for registering, trafficking in, or using a domain name identifier that is identical to, confusingly similar to, or dilutive of another person’s trademark or service mark that either is inherently distinctive or had acquired distinctiveness.

This bill also incorporates substantial protections for innocent parties, keying on the bad faith of a party. Civil liability would attach only if a person had no intellectual property rights in the domain name identifier, the domain name identifier was not the person’s legal first name or surname; and the person registered, acquired, or used the domain name identifier with the bad-faith intent to benefit from the goodwill of a trademark or service mark of another.

Just to be clear on our intent, the “bad-faith” requirement may be established by, among others, any of the following evidence:

First, if the registration or use of the domain name identifier was made with the intent to disrupt the business of the mark owner by diverting consumers from the mark owner’s online location;

Second, if a pattern is established of the person offering to transfer, sell, or otherwise assign more than one domain name identifier to the owner of the applicable mark or any third party for consideration, without having used the domain name identifiers in the bona fide offering of any goods or services; or

Third, if the person registers or acquires multiple domain name identifiers that are identical to, confusingly similar to, or dilutive of any distinctive trademark or service mark of one or more other persons.

In addition, under this legislation, the owner of a mark may bring an in rem action against the domain name identifier itself. This will allow a court to order the seizure or cancellation of the domain name identifier or the transfer of the domain name identifier to the owner of the mark. It also reinforces the central characteristic of this legislation—its intention to protect proprietary rights. The in rem provision will alleviate the problem more recently and prominently experienced by the auto maker Porsche, which had an action against several infringing domain name identifiers dismissed for lack of personal jurisdiction.

In terms of damages, this legislation provides for statutory civil damages of at least $1,000, but not more than $100,000 per domain name identifier. The plaintiff may elect these damages in lieu of actual damages or profits at any time before final judgment.

The growth of the Internet has provided businesses and individuals with unprecedented access to a worldwide source of information, commerce, and community. Unfortunately, those bad actors seeking to cause harm to businesses and individuals have seen their opportunities increase as well. In my opinion, on-line extortion in this form is unacceptable and outrageous. Whether it’s people extorting companies by registering company names, misdirect Internet users to inappropriate sites, or otherwise attempting to damage a trademark that a business has spent decades building into a recognizable brand, persons engaging in cybersquatting activity should be held accountable for their actions. I believe that these provisions will discourage anyone from “squatting” on addresses in cyberspace to which they are not entitled.

I again wish to thank my colleagues for their assistance in this effort, and I look forward to final passage of this legislation after careful and thoughtful consideration by the House of Representatives.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be tabled, and any statements relating to the bill be printed in the RECORD.

The amendment (No. 1699) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 1255), as amended, was read the third time, and passed.

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

PROVIDING TECHNICAL, FINANCIAL, AND PROCUREMENT ASSISTANCE TO VETERAN-OWNED SMALL BUSINESSES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 254, H.R. 1568.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (H.R. 1568) to provide technical, financial, and procurement assistance to veteran-owned small businesses, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, it is with great pleasure and enthusiasm that I rise in support of the Veterans Entrepreneurship and Small Business Development Act of 1999 (H.R. 1568). This bill is a critical building block in our efforts to provide significantly improved help to small businesses owned and operated by veterans and especially those small businesses owned by service-disabled veterans. This bill was approved by a unanimous vote of 18-0 in the Committee on Small Business after the Committee approved a substitute amendment that I offered with the Committee's Ranking Member, Senator KERRY.

Over the past two years, as the Chairman of the Committee on Small Business, I have brought three bills to the floor that I strongly emphasized on helping veteran entrepreneurs. The need for this legislation became necessary as Federal support for veteran entrepreneurs, particularly service-disabled veterans, has declined. Significantly, support for veteran small business owners historically has been weak at the Small Business Administration (SBA).

The Veterans Entrepreneurship and Small Business Development Act of the Chair and Ranking Members Chairman and Senator KERRY.

The bill establishes a federal corporation called the National Veterans Business Development Corporation (NVBDC), whose purpose is to create a network of information and assistance centers to provide assistance for those who wish to start-up or expand a small businesses. The Corporation will be governed by a board of directors appointed by the President, who will take into consideration recommendations from the women and especially those from the Committees on Small Business and Veterans Affairs of the Senate and House of Representatives before making appointments to the board. Although funds are authorized during the five fiscal years of the bill, it is the expectation of the Committee on Small Business that it will become self-sufficient and will no longer need Federal assistance after this four year start-up period.

In an effort to make its programs more readily available to veteran entrepreneurs, the SBA is required to ensure that the SCORE Program and the Small Business Development Center (SBDC) Program work directly with the Corporation so that veteran entrepreneurs receive technical support and other needed assistance.

H.R. 1568 places special emphasis on credit programs at SBA that can be provided to veteran-owned small businesses. The bill specifically targets veterans for the 7(a) guaranteed business loan program, the 504 Development Company Loan Program, and the Microloan Program.

A key component of H.R. 1568 is to make Federal government contracts more readily available to service disabled veterans who own and control

small businesses. The bill includes an annual goal of 3% of all Federal contract dollars for these small business owners. This goal is seen as an incentive to Federal agencies to undertake a major effort to make their procurement activities more accessible to veteran-owed small businesses. This new requirement is critical if we are to measure the success of Federal agencies in meeting this 3% goal.

Last year, the Committee on Small Business approved new initiatives to strengthen the mandate that SBA’s programs are responsive to veteran-owned small businesses. The “Year 2000 Readiness and Small Business Restructuring and Reform Act of 1998” (H.R. 3412) directed that veterans receive comprehensive help at SBA. This bill passed the Senate unanimously in September 1998; unfortunately, it was not taken up by the House of Representatives before the adjournment in the fall. This new position would work within the Office of Veterans Affairs at SBA, to be headed by an Associate Administrator who would report directly to the SBA Administrator. This provision is contained in H.R. 1568.

In addition, H.R. 3412 would have established an Advisory Committee on Veterans’ Business Affairs comprised of veterans who own small businesses and representatives of national veterans service organizations. The bill also would have established the position of National Veterans’ Business Coordinator within the Service Corps of Retired Executives (SCORE) Program. This new position would work within the SBA headquarters to ensure that SCORE’s programs nationwide included entrepreneurial counseling and training for veterans. Both initiatives from H.R. 3412 are included in H.R. 1568.

More recently, on June 6, 1999, the Committee approved the Military Reserve Business Relief Act of 1999 (S. 918) to assist military reservists called to active duty and the small businesses that employ them. This bill complements the provisions of the Veterans Entrepreneurship and Small Business Development Act. Accordingly, the Committee voted unanimously to incorporate the full text of S. 918 into Title III (Technical Assistance) and Title IV (Financial Assistance) of H.R. 1568.

During and after the Persian Gulf War in the early 1990’s, the Committee heard from reservists whose businesses were harmed, severely crippled, or even lost, by their absence. These hardships can occur during a period of national emergency or during a period of contingency operation when troops are deployed overseas. To help such reservists and their small businesses, H.R. 1568 authorizes a deferral of loan repayments on any SBA direct loan, including those loans made for an eligible small business. SBA is authorized to reduce the interest rate on the direct loans.

SBA is also directed to publish guidelines for the deter- mine of the loan application. The bill would have elevated these loans to the level of the loan program and the 504 Development Company program to develop procedures for providing loan repayment relief to small businesses that have been adversely affected by the departure of an essential employee to active military duty. Further, the bill establishes a low-interest economic injury loan program to be administered by the SBA through its disaster loan program. These loans will be to provide interim operating capital to a small business that suffers substantial economic injury as a result of the departure of its essential employee to active duty and cannot obtain credit elsewhere.

Mr. President, I have also introduced a non-controversial amendment to H.R. 1568, which would require the President, rather than the SBA Administrator, to appoint the voting members of the board of directors of the National Veterans Business Development Corporation. Senator Kerry has co-sponsored this amendment. This change was requested by the Chairman and Ranking Member of the House Committee on Small Business. It is my understanding that with the adoption of this amendment and Senate passage of the H.R. 1568, as amended, that the House of Representatives is prepared to take up and pass the bill later this evening.

We have an opportunity today to approve an excellent bill to help veteran small business owners, and I urge my colleagues to support both my amendment and the bill.

Mr. KERRY. Mr. President, I support this bill. A little more than a year ago, SBA Administrator Aida Alvarez formed a task force to study the needs of veterans with a talent, skill, dream or need to start their own business. I am pleased to have served on her initiative. And thanks to the quick and earnest work of the task force representatives, particularly the Veterans Service Organizations and advocacy groups, a report was drafted in three short months.

H.R. 1568 gives life to many of the 21 report recommendations. Appropriately, it includes S. 918, the Military Reservists Small Business Relief Act of 1999—the fourteenth report recommendation—passed by unanimous consent last week, on July 27th. Reservists have been asking for loan deferrals, reductions on interest rates, low-interest disaster loans, and get training assistance for their businesses going while they are called to active duty. I am glad that we will again put this bill one step closer to enactment for the men and women who—whether deployed in Iraq, Bosnia or Kosovo—could benefit from the provisions of this bill now.

The provision should already be available for those who need it, and I deeply regret that it wasn’t enacted earlier, either as S. 918 or as part of this bill, H.R. 1568. The nature of the comment that I received was that the Senate for good reason wanted to keep the bill moving and avoid ruining their credit records. Ask the truck driver who serves in the Missouri National Air Guard and reported to active duty more than four months ago. He bought a new rig short-term, was being called out monthly payments to meet. He lined up a replacement to drive his truck while he was gone to keep money coming in, but the driver backed out of the agreement right before the reservist was supposed to leave.

He tried to do the right thing—to implement a contingent plan—and yet something beyond his control interfered. It’s hard to keep your customers happy when their merchandise isn’t getting delivered. And it’s even harder to make your loan payments when you’re not bringing in enough money. Or ask the reservist from Oklahoma who has supported his wife and four children for the past five years with a carpet and upholstery business. In 1998, he was called up for eight months, and he’s been active this year since May 8th. What made it particularly damaging for his business this year was that he was called up at the beginning of the industry’s high season. January to April are slow times, and April to December are the money-making months. He called my office a month ago to find out about this bill and find out how he could get assistance.

The truck driver who was served by the full Senate, we put him in contact with the SBA office in Oklahoma City to find some way to help. After reviewing his options and what it would take to resuscitate his business, he called to say that he was closing shop for good. "I’m just going to close the truck down. I’m not going to try to get a small business loan. I want to cut my losses now. . . ."

I look forward to spreading the message that reservists, such as the man from Oklahoma, will soon be able to apply for loan deferrals, reductions on interest rates, low-interest disaster loans, and get training assistance for

CONGRESSIONAL RECORD — SENATE
S10521
August 5, 1999
the employee or family left behind to run their businesses.

Importantly, this bill goes further, making more comprehensive changes for all veterans. Incorporating other recommendations that are designed to help service-disabled veterans and veteran-owned businesses, the amendment be agreed to, the bill be 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 PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1617) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (H.R. 1568), as amended, was passed.

RELATING TO THE RECENT ELECTIONS IN THE REPUBLIC OF INDONESIA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 230, S. Res. 166.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 166) relating to the recent elections in the Republic of Indonesia. There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution be agreed to, as amended, the preamble be agreed to, the motion to lay upon the table be agreed to, and that any statements appear at this point in the RECORD.

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

The committee amendment was agreed to.

The resolution (S. Res. 166), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 166

Whereas the Republic of Indonesia is the world’s fourth most populous country, has the world’s largest Muslim population, and is the second largest country in East Asia;

Whereas Indonesia has played an increasingly important leadership role in maintaining the security and stability of Southeast Asia, especially through its participation in the Association of Southeast Asian Nations (ASEAN);

Whereas in response to the wishes of the people of Indonesia, President Suharto resigned on May 21, 1998, in accordance with Indonesia’s constitutional processes;

Whereas the government of his successor, President Bacharuddin J. Habibie, has pursued a transition to genuine democracy, establishing a new governmental structure, and developing a new political order;

Whereas President Habibie signed several bills governing elections, political parties, and the structure of legislative bodies into law on February 1, 1999, and scheduled the first truly democratic national election since 1955;

Whereas on June 7, 1999, elections were held for the Dewan Perwakilan Rakyat (DPR) which, despite some irregularities, were deemed to be free, fair, and transparent according to international and domestic observers;

Whereas over 100 million people, more than ninety percent of Indonesia’s registered voters, participated in the election, demonstrating the Indonesian people’s dedication to democracy;

Whereas the ballot counting process has been completed and the unofficial results announced;

Whereas the official results will be announced in the near future, and it is expected by all parties that the official results will mirror the unofficial results; and

Whereas Indonesia’s military has indicated that it will abide by the results of the election:

Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of Indonesia on carrying out the first free, fair, and transparent national elections in forty-four years;

(2) supports the aspirations of the Indonesian people in pursuing a transition to genuine democracy;

(3) calls upon all Indonesian leaders, political party members, military personnel, and the general public to respect the outcome of the elections, and to uphold that outcome pending the selection of the new President by the Majelis Permusyawaratan Rakyat (MPR) later this year;

(4) calls for the convening of the MPR and the selection of the new President as soon as practicable under Indonesian law, and in a transparent manner, in order to reduce the impact of continued uncertainty on the country’s political stability and to enhance the prospects for the country’s economic recovery;

(5) calls upon the present ruling Golkar party to work closely with any successor government in assuring a smooth transition to a new government; and

(6) urges the present government, and any new government, to continue to ensure a stable and secure environment in East Timor by—

(A) assisting in disarmament and disbanding any militias on the island;

(B) granting full access to East Timor to groups such as the United Nations, international humanitarian organizations, human rights monitors, and similar nongovernmental organizations; and

(C) upholding its commitment to cooperate fully with the United Nations Assistance Mission for East Timor (UNAMET).

CENTENNIAL OF FLIGHT COMMEMORATION ACT OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 202, S. 1072.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1072) to make certain technical and nomenclature changes in the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.)

The resolution that it will abide by the results of the election:

That the Senate—

(A) assisting in disarming and disbanding any militias on the island;

(B) granting full access to East Timor to groups such as the United Nations, international humanitarian organizations, human rights monitors, and similar nongovernmental organizations; and

(C) upholding its commitment to cooperate fully with the United Nations Assistance Mission for East Timor (UNAMET).

AMENDMENT NO. 1618

(Purpose: To clarify certain duties of the Centennial of Flight Commission.)

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the amendment by Senator Dewine, Senator Helms, and Mr. Voinovich.

The amendment be agreed to, the bill be 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 amendment was agreed to.
Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 5, strike lines 4 through 9 and insert the following:

"(6) provide advice and recommendations, through the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or any employee of such an agency head under the direction of that agency head), to individuals and organizations that wish to conduct their own activities in celebration of the centennial of flight, and maintain files of information and lists of experts on related subjects that can be disseminated on request;

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1618) was agreed to.

AMENDMENT NO. 1618

(Purpose: To make a technical correction to S. 1072, a bill making technical and other corrections relating to the Centennial of Flight Commemoration Act. (36 U.S.C. 143 note: 112 STATE.3486 et seq.)

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. HELMS, for himself, Mr. DEWINE and Mr. VOINOVICH, proposes an amendment numbered 1619.

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

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

The amendment is as follows:

In Section 1.A.(ii) after the word “Foundation” insert the following “and in paragraph (3) strike the word “chairman” and insert the word “president.”

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The amendment (No. 1619) was agreed to.

The bill (S. 1072), as amended, was read the third time, and passed, as follows:

The bill was not available for printing. It will appear in a future issue of the RECORD.

PROVIDING ASSISTANCE FOR POISON PREVENTION AND FUNDING OF REGIONAL POISON CENTERS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 252, S. 632.

Mr. BOND. Mr. President, I rise to thank my colleague from Ohio for his hard work on this very important bill. The work our nation’s poison control centers do is absolutely essential to the safety and health of our children. Not only do poison control centers save lives by efficiently reaching our health care costs by helping American families deal quickly, safely, and efficiently with a poisoning emergency.

Mr. DEWINE. The Senator from Missouri is exactly right. It is perhaps difficult to imagine just how concerned parents must be when they discover that their child has been exposed to a substance that might have damaging health effects. They don’t know what type of harm might happen to their child—or whether any harm will happen. But the possibility is there—and parents can truly be frightened. In these emergency situations, the poison control center experts can quickly help parents determine the appropriate response. They might tell the parents that whatever substance that child has been exposed to doesn’t pose a health threat at all. Other times, that threat is real, and the poison control center can help parents administer immediate treatment at home or provide treatment advice until the parents can get the child to the nearest emergency room. Either way, the poison control center is absolutely essential in responding to the emergency by providing immediate treatment advice when the emergency is real and providing peace of mind for the parents and reducing unnecessary healthcare and hospitalization when the exposure does not pose a health threat to the child.

Mr. BOND. Doesn’t this bill clarify how the proposed national toll-free number will affect existing, privately funded toll-free numbers?

Mr. DEWINE. This bill makes clear that the establishment of a national toll-free number to access poison control centers should not be interpreted as prohibiting the establishment or continued operation of any privately funded nationwide toll-free number used by agricultural pesticide companies, consumer products companies, pharmaceutical companies, and other groups who fund their own toll-free customer service numbers in the event of a poisoning or accidental exposure involving one of their own products. We also make clear that none of the funds that this bill authorizes may be used to help private companies fund their own toll-free numbers. We just want to clarify that this bill neither funds nor prohibits private entities from funding their own toll-free customer service numbers. I thank my colleague for his comments and for his strong support of this bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, be read the third time, and proceed to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The committee amendment was agreed to.

The bill (S. 632), as amended, was read the third time, and passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

PROVIDING FOR MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 244, S. 944.

Mr. BROWNBACK. Mr. President, I rise to thank my colleague for his comments and for his strong support of this bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 944) to amend Public Law 105–188 to provide for the mineral leasing of certain Indian Lands in Oklahoma.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 944) was read the third time and passed, as follows:

S. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA.

Public Law 105–188 (112 Stat. 620 and 621) is amended—

(1) in the title, by inserting “and certain former Indian reservations in Oklahoma” after “Fort Berthold Indian Reservation”; and

(2) in section 1—

(A) by striking the section heading and inserting the following:

"SECTION 1. LEASES OF CERTAIN ALLOTTED LANDS;"

and

(B) in subsection (a)(1)(A), by striking close parenthesis and inserting the following:

"(i) is located within—"

"(I) the Fort Berthold Indian Reservation in North Dakota; or"

"(II) a former Indian reservation located in Oklahoma of—"

"(aa) the Comanche Indian Tribe;"

"(bb) the Kiowa Indian Tribe;"

"(cc) the Apache Tribe;"

"(dd) the Fort Sill Apache Tribe of Oklahoma;"
building institutional capacity, making public and corporate economic governance arrangements more transparent, and guiding regulatory reform so that benefits of trade liberalization are shared more broadly.

(3) broadening support for and understanding of APEC goals to demonstrate the positive benefits of the organization’s work for the entire Asia-Pacific community.

Whereas the unique and close partnership between the public and private sectors exhibited through the APEC Forum has contributed to the successful conclusion of the GATT Uruguay Round and agreement over other multilateral trade pacts involving information technology, telecommunications and financial services;

Whereas APEC member countries have provided helpful momentum, through active consideration of the Early Voluntary Sectoral Liberalization plan, to the next round of multilateral trade negotiations scheduled to begin later this year at the Third WTO Ministerial Meeting in Seattle, Washington; and

Whereas the APEC leaders have resolved to achieve the ambitious goal of free and open trade and investment in the region no later than 2020 for the industrialized economies and 2020 for developing economies: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring).

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress—

(1) acknowledges the importance of greater economic cooperation in the Asia-Pacific region and the key role played by the Asia-Pacific Economic Cooperation (APEC) Forum;

(2) recognizes the administration’s efforts to support the APEC forum and work to achieve its goals of greater economic growth and stability;

(3) calls upon the administration to continue its close cooperation with the private sector in advancing APEC goals; and

(4) expresses appreciation to the Government and people of New Zealand for their exceptional efforts in chairing the APEC Forum this year.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Treasury shall transmit a copy of this resolution to the President and the Secretary of State.

TRADE AGENCY AUTHORIZATIONS.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 218, H.R. 1333.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 48) relating to the Asia-Pacific Economic Cooperation Forum.

The concurrent resolution (H. Con. Res. 48) was agreed to

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 48

Whereas the Asia-Pacific Economic Cooperation (APEC) Forum was created ten years ago to promote free and open trade and closer economic cooperation among its member countries, as well as to sustain economic growth and equitable development in the region for the common good of its people;

Whereas the twenty-one member countries of APEC account for 55 percent of total world merchandise trade and 40 percent of global trade;

Whereas APEC leaders are committed to intensifying regional economic interdependence by going forward with measures to expand both trade and investment liberalization, pursuing sectoral cooperation and development initiatives, and increasing business facilitation and economic and technical cooperation projects;

Whereas a strong international financial system underpins the economic success of the region;

Whereas, given the challenges presented by the financial crisis, APEC leaders last year pledged to work together in improving and strengthening social safety nets, financial systems and capital markets, trade and investment flows, corporate sector restructuring, the regional scientific and technological base, human resources development, economic infrastructure, and existing business and commercial links for the purpose of supporting sustained growth into the 21st century;

Whereas the outstanding leadership of New Zealand during its year in the APEC Chair has produced a series of important themes for the annual APEC Leaders meeting in Auckland, New Zealand on September 12-14, 1999, including—

(1) expanding opportunities for private sector businesses through the reduction of tariff and non-tariff barriers; and

(2) strengthening the functioning of regional markets, with a particular focus on
(I) **ESTABLISHMENT OF AUTOMATION MODERNIZATION WORKING CAPITAL FUND.**—There is established within the United States Customs Service an Automation Modernization Working Capital Fund (referred to in this Act as the ‘‘Fund’’). The Fund shall consist of the amounts authorized to be appropriated under paragraph (2) and shall be used to implement a program to modernize Customs Service computer systems, to maintain the existing computer systems until a modernized computer system is fully implemented, and for related computer systems modernization activities.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for the Fund $242,000,000 for fiscal year 2000 and $236,000,000 for fiscal year 2001. The amounts authorized to be appropriated under this paragraph shall remain available until expended.

(3) **REPORT AND AUDIT.**—The Commissioner of Customs shall, not later than March 31 and September 30 of each year, and to the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and to the Committee on Finance of the Senate regarding the progress being made in the modernization of the Customs Service computer systems. Each report shall—

(i) include explicit criteria used to identify, evaluate, and prioritize investments for computer systems modernization planned for the Customs Service for each of fiscal years 2000 through 2004;

(ii) provide a schedule for mitigating any deficiencies identified by the General Accounting Office and for developing and implementing all computer systems modernization projects;

(iii) provide a plan for expanding the utilization of private sector sources for the development and implementation of computer systems; and

(iv) contain timely schedules and resource allocations for implementing the modernization of the Customs computer systems.

(4) **AUDIT.**—Not later than 30 days after a report described in subparagraph (A) is received, the Comptroller General of the United States shall, not later than March 31 and September 30 of each year, and to the Committee on Appropriations of the United States, the Committee on Ways and Means of the House of Representatives, and to the Committee on Finance of the Senate for internal management improvements, the following amounts shall be available:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck 3-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4-1 MeV pallet 3-rays.

(D) $1,200,000 for the automation of the collection of key export data as part of the implementation of the Automated Commercial System.

(E) $1,000,000 for enhanced financial asset management systems.

(F) $6,100,000 for enhanced human resource information system to improve personnel management.

(G) $2,700,000 for new data management systems for improved performance analysis, interagency analysis, and internal management.

(H) $700,000 for enhanced internal affairs file management systems.

(I) $250,000 for enhanced data management systems.

(J) $2,500,000 for automated systems for maintaining and supporting the equipment described in subsection (a).

(K) $2,500,000 for automated systems for maintaining and supporting the equipment described in subsection (a).

(L) $360,000 for 30 rapid tire deflator systems to be distributed among ports where such surveillance activities are occurring.

(M) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(N) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(O) $100,000 for 5 mobile x-ray vans.

(P) $390,000 for 25 portable contraband detection kits to be distributed among ports where the current allocations are inadequate.

(Q) $3,000,000 for 20 portable Treasury Enforcement Communications Systems (TECS).

(R) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(S) $1,000,000 for a demonstration site for a high-energy relocatable rail car inspection system with an x-ray source switchable from 2,000,000 electron volts (2-MeV) to 6,000,000 electron volts (6-MeV) at a shared Department of Defense testing facility for a two-month testing period.

(2) **UNITED STATES-CANADA BORDER.**—For the United States-Canada border, the following amounts shall be available:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck 3-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4-1 MeV pallet 3-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection systems to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 1 automated targeting systems.

(I) $300,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for the surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,200,000 for 12 examination tool trucks.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities at ports where the current allocations are inadequate.

(P) $1,000,000 for 10 inbound commercial vehicles to be installed at every inbound vehicle lane.

(Q) $950,000 for 30 high-energy relocatable rail car inspection systems with an x-ray source switchable from 2,000,000 electron volts (2-MeV) to 6,000,000 electron volts (6-MeV) at a shared Department of Defense testing facility for a two-month testing period.

(3) **REPORT.**—The Comptroller General of the United States shall make available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedures Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $3,384,435 shall be available for each fiscal year for textile transshipment enforcement.

(4) **FISCAL YEAR 2001.**—Of the amounts made available for fiscal year 2001 under section 301(b)(1)(B) of the Customs Procedures Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,923,300 shall be available for the maintenance and support of the equipment and the personal personnel to maintain and support the equipment described in subsection (4).

(5) **ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.**—

(1) **IN GENERAL.**—The Commissioner of Customs may use amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedures Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (1) if such equipment—

(A) is technologically superior to the equipment described in subsection (1); and

(B) will achieve at least the results at a cost that is the same or less than the equipment described in subsection (1); or

(C) is technologically equivalent to the equipment described in subsection (1); and

(D) can be obtained at a lower cost than the equipment described in subsection (1).

(2) **TRANSFER OF FUNDS.**—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 25 percent of—

(A) any amount specified in any of subparagraphs (A) through (D) of subsection (b)(1)(A) for equipment specified in any other of such subparagraphs (A) through (D); and

(B) any amount specified in any of subparagraphs (A) through (D) of subsection (b)(1)(B) for equipment specified in any other of such subparagraphs (A) through (D).

SEC. 105. **PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT FOR THE UNITED STATES-MEXICO BORDER; FLORIDA AND GULF COAST SEAPORTS; THE BAHAMAS.**

(A) In general. —Of the amounts made available for fiscal years 2000 and 2001 under subparagraphs (A) and (B) of section 301(b)(1) of...
the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), as amended by section 101(a) of this Act, $318,064,000 for fiscal year 2000 (including $5,671,000 for investigations and enforcement) and $230,983,340 for fiscal year 2001 shall be available for the following: (1) $36,500,000 for Customs Service aircraft restoration and replacement. (2) $15,000,000 for increased air interdiction and investigative support activities. (3) $19,013,000 for marine vessel replacement and related equipment. (b) Fiscal Year 2001.—Of the amounts made available for fiscal year 2001 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) (A) and (B), as amended by section 101(c) of this Act, $120,513,000 shall be available until expended for the following: (1) $96,500,000 for Customs Service aircraft restoration and replacement initiative. (2) $12,500,000 for increased air interdiction and investigative support activities. (3) $19,013,000 for marine vessel replacement and related equipment. (c) REPORT TO CONGRESS.—The amount appropriated under subsection (a), the Customs Service $10,000,000 for fiscal year 2000 for increased public awareness of the tipline. TITL II—CUSTOMS MANAGEMENT SEC. 201. TERM AND SALARY OF THE COMMISSIONER OF CUSTOMS. (a) TERM.—(1) GENERAL REQUIREMENTS.—The first section of the Act entitled “An Act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury”, approved March 3, 1927 (19 U.S.C. 1711) is amended— (A) by striking “Senate”, (c) REMOVAL.—The Commissioner may be reappointed to more than one 5-year term. (2) CURRENT OFFICE HOLDER.—In the case of an individual serving as the Commissioner of Customs on the date of enactment of this Act, who was appointed to such position before such date, the 5-year term required by the first section of the Act entitled “An Act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury”, as amended by this section, shall begin as of the date of such appointment. (d) REAPPOINTMENT.—The Commissioner may be reappointed to more than one 5-year term. (3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1999. SEC. 202. INTERNAL COMPLIANCE. (a) ESTABLISHMENT OF INTERNAL COMPLIANCE PROGRAM.—The Commissioner of Customs shall (2) E FFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1999.
of the Customs Service to ensure compliance with all applicable laws and, in particular, with the implementation of title VI of the North American Free Trade Agreement Implementation Act (commonly referred to as the "Customs Modernization Act");

(2) institute a program of ongoing self-assessment of a random review on an annual basis of the performance of all core functions of the Customs Service;

(3) identify deficiencies in the current performance of the Customs Service with respect to commercial operations, enforcement, and internal management and propose specific corrective measures to address such concerns; and

(4) within 6 months of the date of enactment of this Act, report on the results of the review to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and the Committee on Government Reform and the Committee on Ways and Means of the House of Representatives.

(b) EVALUATION AND REPORT ON BEST PRACTICES.—The Commissioner of Customs shall, as part of the development of an improved system of internal compliance, initiate a review of current best practices in internal compliance programs among government agencies and private sector organizations and, not later than 18 months after the date of enactment of this Act, report on the results of the review to the Committee on Ways and Means of the House of Representatives.

(c) REVIEW BY INSPECTOR GENERAL.—The Inspector General of the Department of the Treasury shall review and audit the implementation of the programs described in subsection (a) as part of the Inspector General's report required under the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 203. REPORT ON PERSONNEL FLEXIBILITY.

Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Governmental Affairs and the Committee on Finance of the Senate and the Committee on Government Reform and the Committee on Ways and Means of Representatives a report on the Commissioner's recommendations for modifying existing personnel rules to permit more effective management of the resources of the Customs Service and for improving the ability of the Customs Service to fulfill its mission. The report shall also include an analysis of why the flexibility requested under existing personnel rules is insufficient to meet the needs of the Customs Service.

SEC. 204. REPORT ON IMPLEMENTATION OF PERSONNEL ALLOCATION MODEL.

Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the implementation of the personnel allocation model under development in the Customs Service.

SEC. 205. REPORT ON DETECTION AND MONITORING REQUIREMENTS ALONG THE SOUTHERN TIER AND NORTHERN BORDER.

Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the requirement of the Customs Service and the need for detection and monitoring of the arrival zones along the southern tier and northern border of the United States. The report shall include an assessment of

(1) any gaps in radar coverage of the arrival zones along the southern tier and northern border of the United States; and

(3) any limitations imposed on the enforcement activities of the Customs Service as a result of the reliance on detection and monitoring equipment, technology, and personnel operated under the auspices of the Department of Defense.

TITLE III—MARKING VIOLATIONS

SEC. 301. CIVIL PENALTIES FOR MARKING VIOLATIONS.

Section 394(d) of the Tariff Act of 1930 (19 U.S.C. 1304(i)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(2) by striking "Any person:" and inserting "(1) IN GENERAL.—Any person:";

(3) by moving the remaining text 2 ems to the right; and

(4) by adding at the end the following new paragraph:

"(2) CIVIL PENALTIES.—Any person who defaces, destroys, removes, alters, covers, obscures, or obliterates any mark required under this section shall be liable for a civil penalty of not more than $10,000 for each violation. The civil penalty imposed under this subsection shall be in addition to any marking duties owed under subsection (i)."

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee substitute 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 committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (H.R. 1833), as amended, was passed.

The title was amended so as to read: "An Act to authorize appropriations for the United States Customs Service, and for other purposes."

UNANIMOUS CONSENT AGREEMENT—H.R. 1905

Mr. BROWNBACK. Mr. President, I now ask unanimous consent that when the Senate receives from the House the conference report to accompany H.R. 1905, it be considered and agreed to, the motion to consider be laid upon the table, and that any statements relating to the conference report be printed in the RECORD.

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

The bill was amended as so as to read: "An Act to authorize appropriations for the United States Customs Service, and for other purposes."

Mr. BROWNBACK. Mr. President, I urge adoption of this conference report.

EXCHANGE OF VOTES—H.R. 2565

Mr. BROWNBACK. Mr. President, I ask unanimous consent that H.R. 2565 be discharged from the Banking Committee, and the Senate now proceed to its consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2565) to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States.

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 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 bill (H.R. 2565) was passed.

"THOMAS S. FOLEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE"

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 249, H.R. 211.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 211) to designate the Federal building and the United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley Federal Building and United States Courthouse" and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza."

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to lay upon the table be agreed to, 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. 211) was read the third time and passed.

AUTHORIZEDS TO THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 1546, introduced earlier today by Senators NICKLES, LIEBERMAN and HAGEL.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1546) to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that act.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and amendments relating to the bill be printed in the Record.

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

The bill (S. 1546) was read the third time and passed, as follows:

(1) in subsection (c)—
(A) by striking "The" and inserting "(1) In general—";
(2) by inserting after the first sentence the following new paragraph:
"The term of each member of the Commission appointed to the first two-year term of the Commission shall be considered to have begun on May 15, 1999, and shall end, regardless of the date of appointment to the Commission. The term of each member of the Commission appointed to the second two-year term of the Commission shall begin on May 15, 2001, and shall end on May 14, 2003, regardless of the date of appointment to the Commission. In the case in which a vacancy in the membership of the Commission occurs during the two-year term of the Commission, such membership on the Commission shall terminate at the end of that two-year term of the Commission."
and
(3) by amending subsection (h) to read as follows:
"(h) POWERS OF THE COMMISSION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a non-reimbursable basis) such administrative support to the Commission as may request to carry out the provisions of this title."

(2) by amending section 202 to read as follows:
"(a) HEARINGS AND SESSIONS.—The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a non-reimbursable basis) such administrative support to the Commission as may request to carry out the purposes of this Act."

(3) by amending section 202(f) to read as follows:
"(1) in subsection (c)—
(A) by striking "The" and inserting "(1) In general—";
(2) by inserting after the first sentence the following new paragraph:
"The term of each member of the Commission appointed to the first two-year term of the Commission shall be considered to have begun on May 15, 1999, and shall end, regardless of the date of appointment to the Commission. The term of each member of the Commission appointed to the second two-year term of the Commission shall begin on May 15, 2001, and shall end on May 14, 2003, regardless of the date of appointment to the Commission. In the case in which a vacancy in the membership of the Commission occurs during the two-year term of the Commission, such membership on the Commission shall terminate at the end of that two-year term of the Commission."
and
(3) by amending subsection (h) to read as follows:
"(h) POWERS OF THE COMMISSION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a non-reimbursable basis) such administrative support to the Commission as may request to carry out the provisions of this title."

The legislative clerk read the following:

SEC. 201. POWERS OF THE COMMISSION.

(a) Hearings and Sessions.—The Commission may, for the purpose of carrying out its duties under this title, hold hearings, sit at times and places anywhere in the United States, take testimony and receive evidence as the Commission considers advisable to carry out the purposes of this Act.

(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 the provisions of this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

(c) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Administrative Procedures.—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable it to carry out the provisions of this title.

(e) Views of the Commission.—The Members of the Commission may speak in their capacity as private citizens. Statements on behalf of the Commission shall be issued in writing over the names of the Members. The Commission shall in its written statements clearly describe its statutory authority, distinguishing that authority from that of appointed or elected officials of the United States Government. Oral statements, where practicable, shall include a similar description.

(f) Travel.—The Members of the Commission may, with the approval of the Commission, conduct such travel as is necessary for the performance of their duties. Each such trip must be approved by a majority of the Commission. This provision shall not apply to the Ambassador-at-Large, whose travel shall not require approval by the Commission.

SEC. 204. COMMISSION PERSONNEL MATTERS.

(a) In General.—The Commission may, with regard to the salaries and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least six of the nine members of the Commission.

(b) Compensation.—The Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) Professional Staff.—The Commission and the Executive Director shall hire Commission staff on the basis of professional and nonpartisan qualifications. Commissioners may not individually hire staff of the Commission. Staff shall be considered as a whole and may not be assigned to the particular service of a single Commissioner or a specified group of Commissioners. This subsection does not prohibit the person from assisting individual members of the Commission with particular needs related to their duties.

SEC. 205. STAFF AND SERVICES OF OTHER FEDERAL AGENCIES.—

(1) Department of State.—The Secretary of State shall assist the Commission by providing on a reimbursable or non-reimbursable basis to the Commission such staff and administrative services as may be necessary and appropriate to perform its functions.

(2) Other Federal Agencies.—Upon the request of the Commission, the head of any Federal department or agency may, detail, on a reimbursable or non-reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its functions under this title. The detail of any such personnel shall be without loss of compensation or loss of any Federal Civil Service status or privilege.

SEC. 206. SECURITY CLEARANCES.—The Executive Director shall be required to obtain a security clearance. The Executive Director may request, on an on-demand basis and in order to perform the duties of the Commission, that other personnel of the Commission be required to obtain a security clearance. The level of clearance shall be the lowest necessary to appropriately perform the duties of the Commission.

SEC. 208. STANDARDS OF CONDUCT AND DISCLOSURE.

(a) Cooperation With Nongovernmental Organizations, the Department of State, and the Executive Director.—Each Member shall seek to effectively and freely cooperate with all entities engaged in the promotion of
August 5, 1999

CONGRESSIONAL RECORD—SENATE

S10529

religious freedom abroad, governmental and nongovernmental, in the performance of the Commission’s duties under this title.

(b) Conflict of Interest and Anteedgment

"(1) Member Affiliations.—Except as provided in paragraph (3), in order to ensure the independence and integrity of the Commission, the Commission may not compensate any nongovernmental agency, project, or person related to or affiliated with any member of the Commission, whether in that member’s personal or official capacity. Staff employed by the Commission may not serve in the employ of any nongovernmental agency, project, or person related to or affiliated with any member of the Commission while employed by the Commission.

(2) Staff Compensation.—Staff of the Commission shall receive payment from any other source for work performed in carrying out the duties of the Commission while employed by the Commission.

(3) Exception.—

(A) In General.—Subject to subparagraph (B), paragraph (1) shall not apply to payments made for items such as conference fees, membership fees of periodicals or other similar expenses, if such payments would not cause the aggregate value paid to any agency, project, or person for a fiscal year to exceed $250.

(B) Limitation.—Notwithstanding subparagraph (A), the Commission shall not give special preference to any agency, project, or person related to or affiliated with any member of the Commission.

(4) Definitions.—In this subsection, the term ‘affiliated’ means the relationship between a member of the Commission and—

(A) an individual who holds the position of officer, trustee, partner, director, or employee of an agency, project, or person of which the member is a relative of that member, or

(B) an officer, trustee, partner, director, or employee of any nongovernmental agency, project, or person related to or affiliated with any member of the Commission.

(5) Exception.—Except as provided in paragraph (3), the Commission shall not be required to provide the funds for such a study. The Commission may not compensate any person related to or affiliated with the United States Government if refused, shall be accepted and turned over to the United States Government in accordance with the Foreign Gifts and Decorations Act of 1966 and the regulations and guidelines government such gifts provided to Members of Congress.

(6) Informational materials such as documents, books, videotapes, periodicals, or other forms of communications provided by any agency or component of the Government of the United States, including any commission established under the authority of such Government.

(7) Annual Financial Report.—In addition to providing the reports required under section 202, the Commission shall provide, each year on or before January 1, to the Committees on International Relations and Appropriations of the House of Representatives, and to the Committees on Foreign Relations and Appropriations of the Senate, a financial report detailing and identifying its expenditures for the preceding fiscal year.

(8) Authorization of Appropriations.—Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) (as redesignated) is amended by striking ‘4 years’ after the initial appointment of all the Commissioners and inserting ‘on May 14, 2003’.

SEC. 2. TECHNICAL CORRECTIONS.

(a) Presidential Actions.—Section 402(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(c)) is amended—

(1) by inserting in paragraph (A), in the text above subparagraph (B), by striking ‘and (4)’ and inserting ‘(4), (5), and (6)’;

(2) in paragraph (B), by striking ‘UNDER THIS ACT’ after ‘EXCEPTION FOR ONGOING PRESIDENTIAL ACtion’;


APPRECIATION OF CONGRESS FOR THE SERVICE OF CAPTAIN JOSEÁ N. SANTIAGO, CAPTAIN JENNIFER J. ODEM, CHIEF WARRANT OFFICER, W–2, THOMAS G. MOORE, PRIVATE FIRST CLASS T. BRUCE CLUFF, AND PRIVATE FIRST CLAY E. KRUEGER TO THE UNITED STATES ARMY PERSONNEL ASSIGNED TO THE 204TH MILITARY INTELLIGENCE BATTALION AT FORT BLISS, TEXAS, AND TWO COLOMBIAN MILITARY OFFICIALS TO THE UNITED STATES ARMY PERSONNEL ASSIGNED TO THE 204TH MILITARY INTELLIGENCE BATTALION AT FORT BLISS, TEXAS, AND TWO COLOMBIAN MILITARY OFFICIALS, KILLED IN A CRASH DURING AN AIRBORNE RECONNAISSANCE MISSION OVER THE MOUNTAINOUS PUTUMAYO PROVINCE OF COLOMBIA;

Resolved that the Senate—

(1) expresses its profound appreciation for the service of Captain JoseÁ n. Santiago, Captain Jennifer J. Odem, Chief Warrant Officer, W–2, Thomas G. Moore, Private First Class T. Bruce Cluff, and Private First Class Ray E. Krueger to the United States personnel assigned to the crash who were performing their duty; Now, therefore, be it

WHEREAS Colombia is the largest source of cocaine and heroin in the United States and efforts to assist that country combat the production and trafficking of illicit narcotics is in the national security interests of the United States;

WHEREAS operations by the United States Armed Forces to assist in the detection and monitoring of illicit production and trafficking of illicit narcotics are important to the security and well-being of all of the people of the United States;

WHEREAS on July 23, 1999, five United States Army personnel, assigned to the 204th Military Intelligence Battalion at Fort Bliss, Texas, and two Colombia military officials, were killed in a crash during an airborne reconnaissance mission over the mountainous Putumayo province of Colombia; and

WHEREAS the United States Army has identified Captain José A. Santiago, Captain Jennifer J. Odem, Chief Warrant Officer, W–2, Thomas G. Moore, Private First Class T. Bruce Cluff, and Private First Class Ray E. Krueger as the United States personnel killed in the crash;

Resolved that the Senate—

(2) expresses its gratitude to all members of the United States Armed Forces who fight the scourge of illegal drugs and protect the security and well-being of all people of the United States through their detection and monitoring of illicit production and trafficking of illicit narcotics; and

(3) commends the United States Army personnel killed during that mission; and

(4) expresses its appreciation of the Congress for the service of Captain JoseÁ n A. Santiago, Captain Jennifer J. Odem, Chief Warrant Officer, W–2, Thomas G. Moore, Private First Class T. Bruce Cluff, and Private First Class Ray E. Krueger, all of the United States Army, who lost their lives in service of their country during an antiterror mission in Colombia;

(5) expresses the sincere sympathy of the family members of the victims and to all Colombians killed and injured in the mission;

(6) urges United States and Colombian officials to take all practicable measures to recover the remains of the victims and to fully inform the family members of the circumstances of the accident which cost their lives;

(7) expresses its gratitude to all members of the United States Armed Forces who fight the scourge of illegal drugs and protect the security and well-being of all people of the United States through their detection and monitoring of illicit production and trafficking of illicit narcotics; and

(8) expresses its appreciation to a congressional resolution be transmitted to the family members of Captain JoseÁ n A. Santiago, Captain Jennifer J.,
NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 177, introduced earlier today by Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 177) designating September 1999 as “National Alcohol and Drug Addiction Recovery Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the Record.

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

The resolution (S. Res. 177) was agreed to.

The resolution, with its preamble, reads as follows:

A resolution (S. Res. 177)

Whereas alcohol and drug addiction is a devastating disease that can destroy lives and communities,

Whereas the direct and indirect costs of alcohol and drug addiction cost the United States more than $246,000,000,000 each year,

Whereas scientific evidence demonstrates the crucial role that treatment plays in re-storing those suffering from alcohol and drug addiction to more productive lives,

Whereas the Secretary of Health and Human Services has recognized that 73 percent of people who currently use illicit drugs in the United States are employed and that the effort business invests in substance abuse treatment will be rewarded by raising productivity, quality, and employee morale, and lowering health care costs associated with substance abuse,

Whereas the role of the workplace in overcoming the problem of substance abuse among Americans is recognized by the United States Chamber of Commerce, the Small Business Administration, the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, the Substance Abuse and Mental Health Services Administration, the Community Anti-Drug Coalitions of America, the National Coalition on Alcohol and Other Drug Issues, the National Association of Alcoholism and Drug Abuse Counselors, and the National Substance Abuse Coalition, and others,

Whereas the Director of the Office of National Drug Control Policy has recognized that providing effective drug treatment to those currently using illicit drugs is critical to breaking the cycle of drug addiction and to helping those who are addicted become productive members of society,

Whereas these agencies and organizations have recognized the critical role of the workplace in supporting efforts towards recovery from addiction by establishing the theme of Recovery to be “Addiction Treatment: Investing in People for Business Success”,

Whereas the countless numbers of those who have successfully recovered from addiction are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and now make positive contributions to their families, workplaces, communities, States, and nation;

Now, therefore, be it

Resolved, That the Senate designates September 1999, as “National Alcohol and Drug Addiction Recovery Month”.

AMENDMENT OF THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT AND THE MILLER ACT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 1219, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill to amend the Office of Federal Procurement Policy Act and the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMPSON. Mr. President, I am pleased to recommend H.R. 1219, the “Construction Industry Payment Protection Act”, to the full Senate for passage. This bill, introduced in the House by a bipartisan list of cosponsors, is intended to modernize the Miller Act, one of our oldest procurement laws. The Committee on Governmental Affairs, with jurisdiction over Federal procurement laws, recognizes and appreciates the broad and strong support for this measure.

The Miller Act is a 1935 law requiring prime contractors with Federal construction contracts over $100,000 to provide bonds on those projects to protect those providing labor and materials. Currently, the Miller Act requires two types of bonds on Federal construction contracts: a payment bond to guarantee that subcontractors get paid, limited to $15 million and never adjusted for inflation; and a performance bond to protect the Federal government and ensure that the project gets finished. This bond is equal to the value of the project. H.R. 1219 would amend the Miller Act to require that the payment bond be at least equal to the performance bond. It also establishes standards by which subcontractor rights under the Miller Act can be waived, and it provides for more modern methods by which claims can be noticed.

This bill represents an impressive consensus and several years of hard work by all the interested parties: the general contractors, the subcontractors, and the surety firms who supply the bonds. In addition, the Administration has issued a Statement of Administration Policy in support of the measure. Earlier this week, H.R. 1219 passed the House by a roll call vote of 416-0. I respectfully urge my colleagues to support this measure.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

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

The bill (H.R. 1219) was read the third time and passed.

PRIVATE RELIEF

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the following bills which were reported today by the Judiciary Committee:

S. 199, S. 275, and S. 452.

I further ask unanimous consent that any committee amendments be agreed to where applicable, the bills be read a third time and passed, the motions to reconsider be laid on 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.

The bills (S. 199, S. 275, and S. 452) were passed en bloc, as follows:

S. 199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, as provided in section 1, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the United States for the 1999 Act to 22,500,000 and never adjusted for inflation; and a performance bond to protect the Federal government and ensure that the project gets finished. This bond is equal to the value of the project. H.R. 1219 would amend the Miller Act to require that the payment bond be at least equal to the performance bond. It also establishes standards by which subcontractor rights under the Miller Act can be waived, and it provides for more modern methods by which claims can be noticed.

This bill represents an impressive consensus and several years of hard work by all the interested parties: the general contractors, the subcontractors, and the surety firms who supply the bonds. In addition, the Administration has issued a Statement of Administration Policy in support of the measure. Earlier this week, H.R. 1219 passed the House by a roll call vote of 416-0. I respectfully urge my colleagues to support this measure.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

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

The bill (H.R. 1219) was read the third time and passed.

PRIVATE RELIEF

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the following bills which were reported today by the Judiciary Committee:

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I further ask unanimous consent that any committee amendments be agreed to where applicable, the bills be read a third time and passed, the motions to reconsider be laid on 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.

The bills (S. 199, S. 275, and S. 452) were passed en bloc, as follows:

S. 199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SUCHADA KWONG.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Suchada Kwong shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Suchada Kwong enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and adjudged eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall
apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa to a permanent resident of the United States, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien’s birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of residence of the alien’s birth under section 202(e) of such Act.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Belinda McGregor as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien’s birth under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

RELIEF OF VOVA MALOFIENKO, OLGA MATSKO, AND ALEXANDER MALOFIENKO

Mr. LAUTENBERG. Mr. President, I am extremely pleased that the Senate has passed legislation that will provide permanent residency in the United States for 15-year-old Vova Malofienko and his family.

In order to understand the importance of this legislation, you need to know more about Vova. He was born in Chernobyl, Ukraine, just 30 miles from the Chernobyl nuclear reactor. In 1986, when he was just two, the reactor exploded and he was exposed to high levels of radiation. He was diagnosed with leukemia in June 1990, shortly before his sixth birthday.

Through the efforts of the Children of Chernobyl Relief Fund, Vova and his mother came to the United States with seven other children to attend Paul Newman’s “Hole in the Wall” camp in Connecticut. While in this country, Vova was treated for his leukemia in the United States. Although Vova completed his treatment in 1992, he continues to need medical follow-up on a consistent basis, including physical examinations, lab work and radiological examinations to assure early detection and prompt and appropriate therapy in the unfortunate event the leukemia recurs.

Because of his perilous medical condition, Vova and his family have done everything possible to remain in the United States. I tried to help by supporting their visa applications to the Immigration and Naturalization Service, and by sponsoring this legislation. The passage of this measure is the culmination of many years of hard work by Vova, his family, and members of the Millburn community. Throughout all of these struggles, Vova has been an inspiration to all. An honors student at Millburn Middle School, he has been an eloquent spokesperson for children with cancer. He has rallied the community and helped bring out the best in everyone. His dedication, grace, and dignity provide an outstanding example, not just to young people, but to all Americans. I am pleased to have been able to help Vova and his family. I want to thank the House sponsors of this legislation, Representatives RORMANN and FRANKS, for their efforts in support of this legislation. I also want to thank Senators ABRAHAM, HATCH, LEAHY, and KENNEDY for moving this bill through the legislative process. It has been an honor and privilege to work with them, and I hope that he and his family enjoy great success and much happiness in the years ahead.

RETURN OF ZACHARY BAUMEL, A U.S. CITIZEN, AND OTHER ISRAELI SOLDIERS

Mr. BROWNBACK. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 187, H.R. 1175, THE PRESIDING OFFICER. The clerk will report. The bill is as follows:

H.R. 1175 to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment on page 4, line 5, to insert the word “creditable”.

SEC. 3. REPORTS BY SECRETARY OF STATE.

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Committee on International Relations of the Senate a written report on the efforts of the Secretary pursuant to section 2(a) and United States policies affected pursuant to section 2(b).

(b) SUBSEQUENT REPORTS.—Not later than 15 days after receiving from any source any additional credible information relating to the individuals described in section 2(a), the Secretary of State shall prepare and submit to the committees described in subsection (a) a written report that contains such additional information.

(c) FORM OF REPORTS.—A report submitted under subsection (a) or (b) shall be made available to the public and may include a classified annex.
Mr. CAMPBELL. Mr. President, today I urge my colleagues to support passage of the pending legislation, H.R. 1175, a bill to help locate and secure the return of Zachary Baumel, a citizen of the United States, and two other Israeli soldiers who have been missing in action for more than sixteen years. I introduced the Senate version of this legislation, S. 676, which has gathered the support of 34 Senate cosponsors, and in June, the House passed H.R. 1175 by a recorded vote of 415–5. Although information concerning the whereabouts of Sgt. Baumel and his comrades has been reported since their disappearance after a battle in Northern Lebanon in 1982, Palestinian cooperation on this situation has come to a halt as no new information has been forthcoming. This legislation requires the State Department to raise this issue with the Palestinian Authority and the Syrian government and requires cooperation on this issue to be considered in future aid to the Palestinian Authority.

Mr. President, I ask Senator HELMS, the Chairman of the Senate Foreign Relations Committee, for his leadership in moving this legislation to the full Senate. The passage of this legislation is a critical step in helping the families of these soldiers who have been forced to live with the pain and uncertainty of this loss for more than 16 years. Resolving the issue of these Israeli MIAs can only strengthen American efforts to make Middle East peace into a reality.

I urge my colleagues to support final passage of this important piece of legislation.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee 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 thereto be printed in the RECORD.

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

The bill (S. 620) was read the third time and passed, as follows:

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,)

SECTION 1. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

“CHAPTER 1201—[RESERVED],”

and

(2) by inserting the following:

“CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

“Sec.

120101. Organization.

120102. Purposes.

120103. Membership.

120104. Governing body.

120105. Powers.

120106. Restrictions.

120107. Duty to maintain corporate and tax-exempt status.

120108. Records and inspection.

120109. Service of process.

120110. Liability for acts of officers and agents.

120111. Annual report.

120101. Organization.

“(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the ‘corporation’), incorporated in the State of New York, is a federally chartered corporation.

“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

120102. Purposes.

“The purposes of the corporation are as provided in its articles of incorporation and include—

(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have served honorably in the Armed Forces during the Korean War, and of certain other persons;

(2) providing a means of contact and communication among members of the corporation;

(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

120103. Membership.

“Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

120104. Governing body

“(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

“(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 261, S. 620.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 620) to grant a Federal charter to the Korean War Veterans Association, Incorporated, and for other purposes.

There being no objection, the Senate proceeded under the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.
The assistant legislative clerk read as follows:

A bill (S. 800) to promote and enhance public safety through the use of 9-1-1 as the universal emergency assistance number, further developing wireless service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on Commerce, Science, and Transportation, with amendments.

Mr. BROWNBACK. I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the Record.

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

The committee amendments were agreed to.

The bill (S. 800), as amended, was read the third time and passed, as follows:

The bill was not available for printing. It will appear in a future issue of the Record.

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

The message of the President is as follows:

To the Senate of the United States:

The e-911 Act of 1999 is simple—it makes 911 the universal emergency number. This bill will help save lives and is supported by a broad range of public safety, emergency medical, consumer and citizen groups. These groups represent the operators and users of the 911 system, those with direct experience with the problems with today’s system.

Over seventy million Americans carry wireless telephones. Many carry them for safety reasons. People count on those phones to be their lifelines in emergencies. In fact, 98,000 people are counting on their wireless phones in emergencies everyday. That is how many wireless 911 calls are made a day, 98,000. But there’s a problem. In many parts of our country, when the frantic parent or the suddenly disabled older person punches 911 on the wireless phone, nothing happens. In those locations, 911 is not the emergency number. The ambulance and the police won’t be coming. You may be facing a terrible emergency, but you’re on your own, because you don’t know the local number to call for emergencies.

“The e-911 Act of 1999” will help fix that problem by making 911 the number to call in the emergency—anytime, everywhere. The rule in America ought to be uniform and simple—if you have an emergency, wherever you are, dial 911.

Mr. BROWNBACK. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on August 5, 1999, by the President of the United States, that being Convention No. 182 for Elimination of the Worst Forms of Child Labor, Treaty Document 106-5. I further ask that the convention be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations, and the President’s message be printed in the Record.

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

Mr. BROWNBACK. I ask unanimous consent that notwithstanding the adjournment of the Senate, committees may call quorum at 11 a.m. until 5 p.m. on Friday, August 27, in order to file legislative matters.

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

The assistant legislative clerk read as follows:

The e-911 Act of 1999 will help fix that problem by making 911 the number to call in the emergency—anytime, everywhere. The rule in America ought to be uniform and simple—if you have an emergency, wherever you are, dial 911.

More and more, wireless communications is the critical link that can help first responders and medical care to those in the “golden hour” when timely care can mean the difference between life and death.

I thank my colleagues for their hard work in passing this critical legislation.

ORDER FOR FILING LEGISLATIVE MATTERS

Mr. BROWNBACK. I ask unanimous consent that, notwithstanding the adjournment of the Senate, committees may call quorum at 11 a.m. until 5 p.m. on Friday, August 27, in order to file legislative matters.

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

Mr. BROWNBACK. I ask unanimous consent that, notwithstanding the adjournment of the Senate, committees may call quorum at 11 a.m. until 5 p.m. on Friday, August 27, in order to file legislative matters.

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

Mr. BROWNBACK. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on August 5, 1999, by the President of the United States, that being Convention No. 182 for Elimination of the Worst Forms of Child Labor, Treaty Document 106-5. I further ask that the convention be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations, and the President’s message be printed in the Record.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification of the Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted by the International Labor Conference at its 87th Session in Geneva on June 17, 1999, I transmit herewith a certified copy of that Convention. I transmit also for the Senate’s information a certified copy of a recommendation (No. 190) on the same subject, adopted by the International Labor Conference on the same date, which amplifies some of the Convention’s provisions. No action is called for on the recommendation.

The report of the Department of State, with a letter from the Secretary of Labor, concerning the Convention is enclosed.

As explained more fully in the enclosed letter from the Secretary of Labor, current United States law and practice satisfy the requirements of Convention No. 182. Ratification of this Convention, therefore, should not require the United States to alter in any way its law or practice in this field.

In the interest of clarifying the domestic application of the Convention, my Administration proposes that two understandings accompany U.S. ratification.

The proposed understandings are as follows:
The United States understands that Article 3(d) of Convention 182 does not encompass situations in which children are employed by a parent or by a person standing in the place of a parent on a farm owned or operated by such parent or person.

The United States understands that the term “basic education” in Article 7 of Convention 182 means primary education plus one year: eight or nine years of schooling, based on curriculum and not age. The United States does not believe that the term “basic education” would have a meaning that would have a substantial effect on our international obligations under Convention No. 182.

Convention No. 182 represents a true breakthrough for the children of the world. Ratification of this instrument will enhance the ability of the United States to provide global leadership in the effort to eliminate the worst forms of child labor. I recommend that the Senate give its advice and consent to the ratification of ILO Convention No. 182.

William J. Clinton.
The White House, August 5, 1999.

ORDER FOR NOMINATIONS TO REMAIN IN STATUS QUO

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate during the 106th Congress remain in status quo, notwithstanding the August adjournment of the Senate and the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate, with the following exceptions, which I send to the desk:

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

The exceptions are as follows:

Richard W. Bogosian, of Maryland, for the rank of ambassador during his tenure of service as special Coordinator for Rwanda/Burundi.

Paula J. Dobriansky, of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2003. (Reappointment.)

Charles H. Dolan, Jr., of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for term expiring July 1, 2000. (Reappointment.)


Hassan Nemazee, of New York, to be Ambassador to Argentina.

Bill Richardson, of New Mexico, to be U.S. Representative to the Forty-second Session of the General Conference of the International Atomic Energy Agency.


The following named Member of the Foreign Service of the Department of Commerce, to be Secretary in the Diplomatic Service of the United States of America: David Gussack, of Washington.

JUDICIARY

Barbara Durham of Washington.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWNBACK. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the calendar: Executive Calendar Nos. 166, 167, 191, 195, 198, 199, 217, 218, 219, 220, 221 through 226, and all nominations on the Secretary's desk in the Foreign Service, the nomination of Mervyn M. Mosbacher, reported today by the Judiciary Committee. I further ask consent that the following list of nominations be discharged from the Banking Committee and the Foreign Relations Committee, and the Senate proceed to their consideration as well:

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

The list is as follows:

From the Foreign Relations Committee: Jeffrey A. Bader, of Florida, to be Ambassador to the Republic of Namibia; Martin G. Brennan, of California, to be Ambassador to the Republic of Uganda; Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Federal Democratic Republic of Ethiopia; Barbro A. Owens-Kirkpatrick, of California, to be Ambassador to the Republic of Niger.

From the Banking, Housing, and Urban Affairs Committee: Martin Neil Bailey, of Maryland, to be a Member of the Council of Economic Advisors; and Robert Z. Lawrence, of Massachusetts, to be a Member of the Council of Economic Advisors.

Mr. BROWNBACK. I ask unanimous consent that the nominations be considered and confirmed en bloc, the motion to reconsider to be laid upon the table, any statements be printed 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:

COMMODITY FUTURES TRADING COMMISSION

William J. Rainer, of New Mexico, to be Chairman of the Commodity Futures Trading Commission.

William J. Rainer, of New Mexico, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2000.

DEPARTMENT OF STATE

M. Osman Siddique, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

Richard Monroe Miles, of South Carolina, to be United States Attorney for the Southern District of Texas.

Sylvia Gaye Stanfield, of Texas, to be United States Attorney for the Southern District of Texas.

DEPARTMENT OF DEFENSE

Earl E. Devaney, of Massachusetts, to be Inspector General, Department of the Interior.

Charles A. Blanchard, of Arizona, to be General Counsel of the Department of the Army.

Carol DiBattiste, of Florida, to be Under Secretary of the Air Force.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John M. Pickler, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Larry R. Jordan, 0000

The following officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

Barbara J. Griffiths, of Virginia, to be District Attorney for the United States Attorney for the Southern District of Texas.

Mervyn M. Mosbacher, Jr., of Texas, to be United States Attorney for the Southern District of Texas.

Susan Garrison, and ending Richard Tsutomu Yoneoka, which nominations were considered while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be rear admiral (lower half)

David M. Crocker, 0000

The following officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Mark A. Young, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Susan Garrison, and ending Richard Tsutomu Yoneoka, which nominations were received by the Senate and appeared in the Congressional Record of July 1, 1999:

UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS

Mervyn M. Mosbacher, of Texas, to be United States Attorney for the Southern District of Texas.

UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS

Mervyn M. Mosbacher, of Texas, to be United States Attorney for the Southern District of Texas.

UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS

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UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS

Mervyn M. Mosbacher, of Texas, to be United States Attorney for the Southern District of Texas.

UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS

Mervyn M. Mosbacher, of Texas, to be United States Attorney for the Southern District of Texas.
Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia. Martin George Brennan, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Tibor P. Nagy, Jr., of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Barbro A. Owens-Kirkpatrick, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

COUNCIL OF ECONOMIC ADVISORS
Martin Neil Bally, of Maryland, to be a Member of the Council of Economic Advisers. Robert Z. Lawrence, of Massachusetts, to be a Member of the Council of Economic Advisers.

LEGISLATIVE SESSION
The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REPORTS OF CONTRIBUTIONS
Mr. BROWNBACK. Mr. President, I ask unanimous consent that the reports of contributions of the nominees discharged today from the Committee on Foreign Relations be printed in the RECORD.

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

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


ORDERS FOR WEDNESDAY, SEPTEMBER 8, 1999
Mr. BROWNBACK. Mr. President, we have been through a lot. I now ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Wednesday, September 8. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin 1 hour of morning business.

Mr. BROWNBACK. For the information of all Senators, the Senate will convene on Wednesday, September 8, at 12 noon, with morning business until 1 p.m. Following morning business, the Senate will resume consideration of the pending Interior bill. Any votes ordered on that bill will be stacked to occur at 3:30 p.m. on Wednesday, September 8. As a reminder, a cloture motion on the Transportation appropriations bill was filed today, and by previous order that vote will occur at 9:30 a.m. on Thursday, September 9. Further, the Senate may also begin consideration of the bankruptcy bill following completion of the Interior appropriations bill.

ADJOURNMENT UNTIL WEDNESDAY, SEPTEMBER 8, 1999
Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 51. There being no objection, the Senate, at 8:52 p.m. adjourned until Wednesday, September 8, 1999, at 12 noon.

NOMINATIONS
Executive nominations received by the Senate August 5, 1999:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
Carol J. Farly, of Illinois, to be a Member of the Board of Governors of the Federal Reserve System for a term of 4 years, expiring January 31, 2012. Vice Susan Meredith Phillips. Resigned.

NATIONAL TRANSPORTATION SAFETY BOARD
John Goglia, of Massachusetts, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2001. Reappointment.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

DEPARTMENT OF STATE
Norman A. Wulf, of Virginia, a Career Member of the Senior Executive Service, to be a Special Representative of the President, with the Rank of Ambassador.

THE JUDICIARY
Marianne O. Battani, of Michigan, to be United States District Judge for the Eastern District of Michigan Vice Anna Doggs Taylor. Retired.


Jeffrey A. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit, Vice Walter J. Cummings, Jr., deceased.


DEPARTMENT OF JUSTICE
Melvin W. Kale, of West Virginia, to be United States Attorney for the Northern District of West Virginia for a term of four years. Vice William D. Wilmoth. Resigned.

L. Morgan, of South Dakota, to be United States Attorney for the District of South Dakota for a term of six years. Vice Robin E. Schreib. Term expired.


John W. Marshall, of Virginia, to be Director of the United States Marshals Service, Vice Eduardo Gonzales. Resigned.

SURFACE TRANSPORTATION BOARD
Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2001. Reappointment.

DEPARTMENT OF THE INTERIOR
Sylvia V. Baca, of New Mexico, to be an Assistant Secretary of the Interior, Vice Robert Landis Armstrong. Resigned.

NUCLEAR REGULATORY COMMISSION
Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004. Vice Shibley Ann Jackson. Resigned.

DEPARTMENT OF THE TREASURY
George L. Farris, of Connecticut, to be a Member of the Board of Governors of the Federal Reserve System for a term of four years. New Position.

THE JUDICIARY
George B. Daniels, of New York, to be United States District Judge for the Southern District of New York, Vice Robert P. Patterson. Retired.

UNITED STATES SENTENCING COMMISSION
CONFIRMATIONS

Executive nominations confirmed by the Senate August 5, 1999:

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

RICHARD HOLBROOKE, OF NEW YORK, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

COMMODITY FUTURES TRADING COMMISSION


DEPARTMENT OF STATE

M. OSMAN SIDDIQUE, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

RICHARD MONROE MILES, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LARRY E. JORDAN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general


DEPARTMENT OF THE INTERIOR

EARL E. DEVANEY, OF MASSACHUSETTS, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE INTERIOR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be rear admiral (lower half)

David M. Crocker, 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

Capt. Mark A. Young, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 614:

To be vice admiral

Rear Adm. Norris E. Ryan, Jr., 0000.

DEPARTMENT OF JUSTICE

MEYVYN M. MOSBACHER, JR., OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING SUSAN GABRIEL, AND ENDING RICHARD TSUTOMU YONEOKA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 1, 1999.
Mr. RANGEL. Mr. Speaker, today along with approximately 20 other Members, I am introducing legislation entitled the "New Markets Tax Credit Act of 1999." The legislation is designed to spur $6 billion of private sector equity investments in businesses located in low- and moderate-income rural and urban communities.

We should all be pleased with the economic growth that this country is experiencing. However, our current economic boom is not being enjoyed by all areas of the country. Many urban and rural low-income communities continue to have severe economic problems. Businesses in those areas often do not have access to the capital they need to grow and provide job opportunities for the residents of those areas. Residents of those areas lack access to basic businesses, such as grocery stores and other retail facilities, that all the rest of us take for granted.

Unfortunately, business investment capital tends to flow to those areas of our country that already are experiencing rapid economic growth. We need to develop policies to direct some of that business capital to low-income communities. I believe that targeted tax credits can play an important role in this area by enhancing the economic return to the investor. The low-income housing tax credit is a very good example of how targeted tax credits can direct capital to needed investments.

I am very pleased that the President’s budget contains several proposals to promote efforts to attract business capital to low-income areas. The bill that we are introducing today is the tax portion of the President’s proposal. He also has made other proposals designed to promote growth in emerging markets in this country, just as this Nation, through entities like the Overseas Private Investment Corporation, helps to promote growth in emerging markets overseas.

The President’s budget proposals this year are a continuation of the efforts of this administration in community development. I am very pleased that we have been able to enact several important community development tax initiatives with the President’s support. The Empowerment Zone and Enterprise Community tax incentives and the brownfields tax incentives are important tools in assisting community development. I believe that the bill we are introducing today is another important tool needed to expand economic opportunity to all areas of this country. I look forward to working with the President and Members of this House and the Senate in enacting this important initiative.

Following is a brief description of the bill:

**DESCRIPTION OF THE NEW MARKETS TAX CREDIT PROPOSAL**

The bill provides an annual nonrefundable credit to taxpayers who make qualified investments in community development entities. The amount of the annual credit is 6 percent of the amount of the investment and it is allowed for the taxable year in which the investment is made and the succeeding four taxable years. The credit is allowed to the taxpayer who made the original investment to subsequent purchasers.

An investment in a community development entity would be eligible for the credit only if the Secretary of the Treasury certifies that the entity is a qualified community development entity and only if the entity uses the money it receives to make investments in active businesses in low-income communities. Low-income communities are communities with poverty rates of at least 20 percent or with median family income which does not exceed 80 percent of the statewide median family income (or in the case of urban areas, 80 percent of the greater of the metropolitan area median income or statewide median family income).

The Secretary of the Treasury would certify entities as being qualified community development entities if their primary mission is serving or providing investment capital to low-income communities and maintain accountability to residents of the communities in which they make their investments.

The amount of investments eligible for the credit is limited to $1.2 billion for each of the years 2000 through 2004. The Secretary would allocate that limitation among the qualified community development entities.

**ON THE 75TH ANNIVERSARY OF CLARENDON HILLS, ILLINOIS**

**HON. JUDY BIGGERT**  
OF ILLINOIS  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, August 5, 1999

Mrs. BIGGERT. Mr. Speaker, I rise today to pay tribute to the community of Clarendon Hills, Illinois, as it commemorates its 75th anniversary. Clarendon Hills has accomplished much in the past 75 years, creating a congenial community that exemplifies the finest traditions and values of the American people.

For one, take great pride in the legacy of Clarendon Hills and wish to share some of its history with you today.

The legacy of Clarendon Hills extends far beyond its 75-year history, and as all those who live in close-knit communities can appreciate, the strongest roots always run deepest. This town of nearly 7,000 originated from the far-sighted endeavors of ambitious men and women as early as the 1850’s, seventy years before its incorporation as a village. Clarendon Hills emerged in progressive times, and the echoes of those times resonate today within the community.

Just as every New England town is centered around a church, every midwestern town is born of the railroad. As the railroad moved west of Chicago, men and women established Clarendon Hills as their home. They were people on the move, people looking to move westward, to create, and to progress.

Clarendon Hills was not simply "settled." It was nurtured and molded. Let us know today, one of the towns I am honored to represent in Congress as a Representative from the 13th District of Illinois. The earliest inhabitants did not wish merely to live on the land we now know as Clarendon Hills. They made the land their own not by tilling fields and cutting trees—though farming and lumber were two of Clarendon Hills’ industries. Instead, this town’s earliest residents fostered the sense of community we enjoy today by sowing fields and planting trees. Henry Middaugh, who arrived in 1854, did both. As streets were designed to wind with the contours of the land, Middaugh planted 11 miles of trees, which now support children’s swings, shade our streets, and grace our homes.

Middaugh was also unintentionally responsible for the origin of Clarendon Hills Daisy Days. He ordered fine grass seed for his field and got daisies instead. Middaugh no doubt initially was disappointed, but true to the spirit of those pioneers, he turned adversity into a blessing.

Clarendon Hills is a community that turns peat bogs into parklands—such as Prospect Park. It is a community that retains its small, locally owned businesses—with mom and pop stores as well as chain stores. It is a community that celebrates its distinctiveness together year-round—be it during the festive Christmas Walk in December or the carefree Daisy Days in July.

Those who call Clarendon Hills “home” are at once blessed with the atmosphere and fellowship of a small town and the vitality, creativity, and enthusiasm of a major city. It is the home of young and older families who live together, work together, and volunteer together. The best example of its public spirit comes at the Christmas Lumanaria, where over 20,000 candles are lit, producing such brilliance that the entire town appears as an air show when planes fly overhead. People drive from distant communities to see this show of lights. The celebration, however, is more than just a display of civic pride. The town raises over $200,000 for the Chicago Infant Welfare Society through the sale of the candles.

And through it all, the Burlington Northern Railroad rushes by daily; and Henry Middaugh’s mansion still overlooks the meandering shaded streets. Its been said that Middaugh would stand on his cupola and look out over the town. Were he to do so today, he would find that the land he once knew has been transformed by the sense of community we enjoy today by sowing fields and planting trees. The town he once knew has been transformed by the sense of community we enjoy today by sowing fields and planting trees.
shared future. This town’s roots run deep, and I have no doubt that, like Middaugh’s legandary daisies, Clarendon Hills will continue to grow and flourish for many years to come.

PERSONAL EXPLANATION

HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Ms. BALDWIN. Mr. Speaker, during the week of July 12th through July 16th, 1999, I was absent from the House due to an illness in my family that required me to be back in Wisconsin. Although I received the appropriated leave of absence from the House, I want my colleagues and the constituents of the 2nd District of Wisconsin to know how I intended to vote on the rollcall votes that I missed.

Roll Call Vote 277: I would have voted Aye. Roll Call Vote 278: I would have voted Aye. Roll Call Vote 279: I would have voted Aye. Roll Call Vote 280: I did vote, and voted Aye.

Roll Call Vote 281: I would have voted Aye. Roll Call Vote 282: I would have voted Aye. Roll Call Vote 283: I would have voted No. Roll Call Vote 284: I would have voted Aye. Roll Call Vote 285: I would have voted Aye.

Roll Call Vote 286: I would have voted Aye. Roll Call Vote 287: I would have voted No. Roll Call Vote 288: I would have voted Aye. Roll Call Vote 289: I would have voted No.

CORPORATE SOVEREIGNTY

HON. JAMES A. TRAFICANT, J.R.
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. TRAFICANT. Mr. Speaker, I would like to have printed in the RECORD this statement by Nicholas Trebat from the Council on Hemispheric Affairs.

RESEARCH ASSOCIATE, COUNCIL ON HEMISPHERIC AFFAIRS

Its critics argue that the recent dispute between the Methanex corporation and the United States government is a good illustration of how NAFTA principally serves the interests of the business sector even at the cost of the general public. This may be evident in the manner in which the treaty’s Canadian, Mexican and American negotiators narrowly determined what constituted a “threat” to national sovereignty when the pact was forged in 1994. Granting corporations the power to challenge national laws and regulations that conflicted with their profit-making strategies was apparently never considered as posing a serious challenge to federal autonomy. As a result, the NAFTA’s oft-maligned labor chapter, a commitment to “Affirming respect for the principles of labor rights,” has resulted in a fine against the accused firm, a small number of labor violations that were given only “review and consultation” status, with no authority to adjudicate or even investigate individual cases. It comes as no surprise, therefore, that the 19 claims of labor violations brought forward for review under the NAALC, not one has resulted in a fine against the accused company. Contrary to industry claims, the 19 claims filed by corporations against NAFTA governments since 1996, which have resulted in one major fine and two revocations of federal health laws, with three of these cases still pending.

In assessing the implications of NAFTA’s impact on “national sovereignty,” one has to recognize the duplicity with which the trade pact’s advocates have interpreted this phrase. In the trade agreement, devised almost in its entirety by economists and business leaders, it is clear that the term, at its most operational, has been given short shrift. But in the NAALC charter, a commitment to “Affirming respect for each Party’s constitution and law,” is found.

This seeming doublespeak actually reveals what is regularly clarified, if not created primarily to initiate a gradual transfer of substantive authority from the public to the private sector. Therefore, NAFTA’s and its labor side agreement’s profound pro-corporate tilt should come as no surprise.

Perhaps it is for this reason that the Methanex case has provoked no thunderous ukases from the White House, nor press releases denouncing the dumping of privatization. More likely is the reason that private multinational companies are raising against traditional federal and state autonomy. Let us
hope that this silence does not persist, for not only are one billion dollars worth of taxpayer funds at stake, but, more importantly, the belief that the nation’s laws should reflect the needs of its citizenry, and not only the immoderate demands of a few self-serving corporations.

GROUNDBREAKING OF CENTURY PARK IN ROMEOVILLE, ILLINOIS

HON. JUDY BIGGERT
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mrs. BIGGERT. Mr. Speaker, amid debates about urban sprawl and highway widenings, and conflict over flight patterns and regional metropolitan planning authorities—in short, while struggling against all the demands that growth makes of us—it is altogether too easy to forget the lessons of a public commons.

Fortunately, it is not always so.

Later this month, I will have the pleasure to participate in the groundbreaking of a wonderful new park in one of the fastest growing communities in America.

Romeoville, Illinois, lies in one of the most vital centers of development anywhere. Industry, commerce and families are attracted to Romeoville. It is no wonder. The village is minutes away from major roadways and yet tightly bound in a spirit of cooperation and community.

Century Park will become the village’s first new community park in 25 years. It will offer baseball and soccer fields, basketball courts, paths and playgrounds, picnic shelters and gazebos, and an educational nature center.

Century Park’s nature center will include an educational facility that will teach children about the environment. The parks of Romeoville, though teach even more. They show how important community is to the people of this village.

Though not a large city, Romeoville supports 17 parks and a large recreation center. Two years ago, a unique Park Watch program was established. Now, working together with the park district, dozens of volunteers—including many teenagers—give time and money to help make sure their public commons remain safe and beautiful. They plant flowers, pick up garbage, even help cut the grass.

Families coming together as a community: That is what the people of Romeoville will celebrate—and the lesson they will teach—when they join to dig up the first dirt of their new public land.

I hope you will join me in congratulating the people and community leaders of Romeoville as they break ground on Century Park.

PERSONAL EXPLANATION

HON. JIM McDERMOTT
OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote due to my recovery from heart surgery, July 26, 1999–July 30, 1999.

On July 26, 1999: I would have voted in favor of the Hoeftel amendment to H.R. 1074 (Rollcall No. 335). I would have voted against H.R. 1074 (Rollcall No. 336).

On July 27, 1999: I would have voted in favor of approving the journal (Rollcall No. 337). I would have voted against H.J. Res. 57 (Rollcall No. 338). I would have voted against H.J. Res. 260 (Rollcall No. 339). I would have voted in favor of the Boehlert amendment to H.R. 2605 (Rollcall No. 340). I would have voted in favor of the Viscosky amendment to H.R. 2605 (Rollcall No. 341). I would have voted in favor of H.R. 2605 (Rollcall No. 342).

On July 29, 1999: I would have voted in favor of H.R. 2445 (Rollcall No. 343). I would have voted against the Tiahrt amendment to H.R. 2587 (Rollcall No. 344). I would have voted in favor of the Norton amendment to H.R. 2587 (Rollcall No. 345). I would have voted against the Largent amendment to H.R. 2587 (Rollcall No. 346). I would have voted against the Norton amendment to H.R. 2587 (Rollcall No. 347). I would have voted against H. Res. 263 (Rollcall No. 348). I would have voted against the Smith amendment to H.R. 2606 (Rollcall No. 349). I would have voted in favor of the Greenwood amendment to H.R. 2606 (Rollcall No. 350). I would have voted against the Campbell amendment to H.R. 2606 (Rollcall No. 351).

On July 30, 1999: I would have voted in favor of the Moakley amendment to H.R. 2606 (Rollcall No. 352). I would have voted against the Pitts amendment to H.R. 2606 (Rollcall No. 353). I would have voted in favor of H. Res. 1501 (Rollcall No. 354). I would have voted in favor of S. 900 (Rollcall No. 355).

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO ESTABLISH FOR CERTAIN EMPLOYEES OF INTERNATIONAL ORGANIZATIONS A LIMITED ESTATE AND GIFT TAX CREDIT FROM THE MARITAL DEDUCTION AND A PRO RATA UNIFIED CREDIT

HON. AMO HOUGHTON
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. HOUGHTON. Mr. Speaker, I am introducing legislation to address a problem that exists for employees of the World Bank and other international organizations. This same legislation was introduced in the last three Congresses. I understand that the estate tax rules, as amended by the Technical and Miscellaneous Revenue Act of 1988 (TAMRA), are producing a serious and probably unintentional tax burden on certain employees of the World Bank and other international organizations.

The employees affected are those who are neither U.S. citizens nor permanent resident aliens, but who come to the United States temporarily for purposes of their employment at an international organization. In addition, nonresidents who are not U.S. citizens may also be affected. These individuals are normally exempt from U.S. individual income taxes.

The problem involves the restrictions on the use of a marital deduction in the estate of these individuals. These restrictions may result in an unwarranted U.S. estate tax burden because the individuals happen to die while in the United States, when their purpose for being here is employment with an international organization. This bill addresses these problems by providing for a limited marital transfer credit.

The bill would apply to a holder of a G-4 (international organization employee) visa on the date of death. Normally, a resident employee of the organization and the spouse would be entitled to a unified estate and gift tax credit, which under current law is equivalent to an exemption of $650,000 or a total of $1,300,000. However, if the employee dies the spouse would normally return to the country of citizenship. In that case, the surviving spouse would not utilize his or her unified credit. The bill would provide for a limited marital transfer credit, which again would be the equivalent of $650,000. Thus, in a deceased employee’s estate, there would be available the unified estate and gift tax credit for bequests to any beneficiaries selected by the decreased, as well as a maximum marital transfer credit equivalent to $650,000, the latter limited for use to marital transfers. A similar provision would apply to nonresident individuals who are not U.S. citizens; however, the unified credit equivalent of $600,000 would be submitted for the $650,000.

I believe this change would appropriately address the problem that currently exists. Support of my colleagues in enacting this important piece of legislation is welcomed.

TRIBUTE TO BRIGADIER GENERAL ROBERT ALLAN GLACEL

HON. IKE SKELTON
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. SKELTON. Mr. Speaker, I rise today to congratulate and pay tribute to Brigadier General Robert Allan Glacel, who will retire from the United States Army on September 30, 1999 after 30 years of exemplary service.

Brigadier General Glacel is the son of an Army Lieutenant Colonel who served in World War II and had a 22-year career in the U.S. Army. Brigadier General Glacel graduated from West Point in 1969 and was commissioned in the Field Artillery. After completing the Officer Basic Course and the Airborne and Ranger Courses, Brigadier General Glacel served as a forward observer and assistant executive officer with the 3rd Infantry Battalion, 319th Field Artillery, 173rd Airborne Brigade in the Republic of Vietnam. He then moved to the 3rd Infantry Division in Germany, serving as the Commander of B Battery, 1st Battalion, 10th Field Artillery; target acquisition platoon leader for the 3rd Infantry Division Artillery; and S–2 (Intelligence) of the 3rd Infantry Division Artillery.

Brigadier General Glacel served for three years in Alaska as Operations Officer and Executive Officer, 1st Battalion, 37th Field Artillery, 172nd Light Infantry Brigade (Separate). Additionally, he served as an assistant Professor of Engineering at the United States Military Academy and in the office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army.

In 1987, Brigadier General Glacel took command of the 1st Battalion, 4th Field Artillery, 2nd Infantry Division in the Republic of Korea, commanding the northernmost field Artillery...
site in South Korea and defending the Demilitarized Zone between North and South Korea. Brigadier General Glacel served as Political Military Planner in J-5 (Plans), the Joint Staff, Washington, D.C., where he was instrumental in the negotiations in Vienna, Austria, for the Conference for Security and Cooperation in Europe, NATO, Warsaw Pact, and nonaligned countries.

In 1982, Brigadier General Glacel became the Division Artillery Commander for the 7th Infantry Division (Light) at Fort Ord, California. After inactivating that unit due to Congressionally mandated downsizing of the Army, Brigadier General Glacel served as Executive Officer to the Under Secretary of the Army in Washington, D.C.

In 1995, Brigadier General Glacel assumed the position of Chief of the Requirements and Programs Branch, Office of the Assistant Chief of Staff for Policy in SHAPE, Belgium. In this capacity, Brigadier General Glacel was responsible for the background studies leading to the enlargement of NATO to nineteen countries with the admission of Poland, Hungary, and the Czech Republic.

Brigadier General Glacel has spent the last two years as Commanding General of the U.S. Army's Test and Experimentation Command, Fort Hood, Texas. He is responsible for all operational testing of Army equipment with particular emphasis on the Force XXI digitized Army, the backbone of our future force.

Brigadier General Glacel is a graduate of the United States Army Command and General Staff College and the Industrial College of the Armed Forces. He holds masters degrees in both civil and mechanical engineering from the Massachusetts Institute of Technology as well as a masters degree in business administration from Boston University. His awards include the Legion of Merit, the Bronze Star Medal, the Defense Meritorious Service Medal, and the Meritorious Service Medal.

Mr. Speaker, Brigadier General Bob Glacel is the kind of officer that all soldiers strive to be. He has spent thirty years serving our country, mentoring young officers and soldiers, maintaining standards of excellence, and serving his country in an exemplary fashion. The U.S. Army is a better institution for his service. I know the Members of the House will join me in offering gratitude to Brigadier General Glacel and his family—his wife, Barbara, and his daughters, Jennifer, Sarah, and Ashley—for their service to our nation, and we wish them all the best in the years ahead.

Mr. WEYGAND. Mr. Speaker, I rise today to honor the memory of Richard J. Cronin, Sr., a distinguished Rhode Islander and close family friend to whom I owe a great deal. Richard was a model of the East Providence community and will be remembered by all as a dedicated, compassionate and selfless citizen.

During our lives, we are treated to a handful of people who, we later realize, played integral roles in the development of our character. Richard Cronin was such a person in my life. My earliest memories of him date back to my childhood, when I would visit my grandparents in East Providence. Richard's family lived next door to them, and before long the Cronin family became as familiar to me as my own. While Richard and his wife Mildred chatted amiably with my grandparents, I would join the Cronin children in exploration of the neighborhood surrounding us.

I continued my contact with Richard throughout my professional career, and had the honor of serving with him on the East Providence Planning Board, of which he was a charter member and chairman. He retired from the board on May 20, 1980, with a distinguished record of service behind him. I succeeded him as chair of the Planning Board and drew on his example of honest and fair leadership to help me face this new challenge. Richard introduced me to the realm of public service, and I hope to maintain the high standards he expected of me and of those around him.

Richard wore many hats in the community and will be remembered for his numerous contributions. The owner of two businesses, Richard was a visible figure in the transportation industry, and will be remembered for his numerous contributions he expected of me and of those around him.

Richard knew the Members of the House will join me in offering gratitude to Brigadier General Glacel and his family—his wife, Barbara, and his daughters, Jennifer, Sarah, and Ashley—for their service to our nation, and we wish them all the best in the years ahead.
easy reach of one of the largest metropolitan populations in the United States. It exists today as a living testament to those who never give up on their dreams—and to the tenacity of Dr. Edgar Wayburn in particular.

Most recently, in February, Dr. Wayburn joined us on Capitol Hill to introduce legislation to permanently fund the Land and Water Conservation Fund and to expand efforts to conserve open space, provide urban recreation and park opportunities, and protect marine wildlife. The bill, the Permanent Protection of America's Resources 2000 Act, would be the single largest annual commitment of funds to environmental protection in our history. It is a bi-partisan, albeit challenging, effort and Dr. Wayburn’s support for the legislation is invaluable.

And now, at last, shortly before his 93rd birthday, Dr. Wayburn will be standing in the White House to receive one of the highest honors that our country can bestow. It is a tribute that is long overdue but richly deserved.

Dr. Wayburn, we thank you and salute you on this momentous occasion.

H.R. 2708 “CYBERTIPLINE REPORTING ACT”

HON. JUDY BIGGERT OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mrs. BIGGERT. Mr. Speaker, there is growing evidence that individuals are using the Internet to trade and collect child pornography. In my district alone, police in Naperville, Illinois have made over forty Internet-related sex arrests in the past eighteen months.

Although current law requires Internet companies like America Online to directly report to law enforcement incidences involving child pornography, the law is unclear as to which law enforcement agencies should receive these reports.

This amounts to a scattered approach to attacking the problem.

What is needed is a central clearinghouse to ensure that all reports are acted upon swiftly.

Fortunately, such a clearinghouse already exists—it’s called the CyberTipline. Created by Congress, the CyberTipline gives citizens a single location to which they may report child pornography cases.

Launched in 1998, the Tipline has received over 10,000 tips from the general public, leading to dozens of arrests.

I believe the Internet community should fully utilize this important public service. To that end, I have introduced H.R. 2708, which allows America Online and others to use the CyberTipline when reporting incidents of child pornography.

This bill has the support of law enforcement agencies, as well as the leading Internet trade association.

Mr. Speaker, the best way to protect the positive, unfettered use of the Internet is to ensure that it doesn’t become a sanctuary for those who prey on children.

Requiring the use of the CyberTipline is a step in that direction.

I urge my colleagues to join me in the fight against child sexual exploitation on the Internet and support H.R. 2708.
because of war. When conflict erupts, too often civilians pay a bitter price. I rise in remembrance, so that the many women, men and children who have been forced to yield their lives are not forgotten.

But I am not the only one who has chosen to remember civilians killed in acts of war. I am just one of the dedicated network of Peace Abbey volunteers, who have just concluded an historic journey from Sherborn, Massachusetts to Arlington National Cemetery in Washington, DC. This journey is called “Stonewalk,” and judging from its name, it’s clear that the volunteers did not arrive in Washington empty-handed. In fact, they managed to pull a 2000 pound memorial stone the entire way.

The success of this feat is a tribute to past and present victims of war. Stonewalk involved volunteers from nearly all of the Atlantic states. The journey lasted 33 days and covered roughly 480 miles. The one-tone stone is appropriately named the Memorial Stone for Unknown Civilians Killed in War. It will be presented as a gift to Arlington National Cemetery by the forty-fourth anniversary of the bombing of Hiroshima on August 6, 1945. Prior to Stonewalk, an identical memorial stone was unveiled by famed boxer Muhammad Ali and visited by over 5,000 people.

While the story behind this stone is courageous, the truth behind it is sad and bewildering. At this very moment, bloody conflicts around the world are costing hundreds, perhaps thousands, of civilian lives per day. The toll on victimized families in Kosovo, Colombia, or Sierra Leone is no less painful than that placed on the many families here in the United States who have lost relatives to war. As a world and a nation, we have much work to do to resolve our conflicts peacefully, and to avoid the senseless death of civilians.

Mr. Speaker, I commend Peace Abbey for memorializing the civilians—the women, men and children—who have died throughout the history of war.

HON. JUDY BIGGERT
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mrs. BIGGERT. Mr. Speaker, I rise today to tell you about a celebration. This is no ordinary get-together, though. It is Celebration 2000 and it will take place at the turn of the Millennium in what I must immediately report is one of the most vibrant communities in America—Naperville, Illinois.

Celebration 2000 will be three days of fun for the people of Naperville. This event will honor the past, while it imagines the future. The activities include fireworks, parades, banquets, dancing, theater, music, spiritual gatherings, sports and games, writing and visual arts contests, and a torchwalk to recognize each of the past centuries. But what will heighten the joy of the event is the community spirit that is making it happen.

Naperville is the fastest growing city in America’s heartland. Too often, such rapid change stretches and tears the fabric of a community. But not Naperville. This city has developed one of the liveliest downtowns you will find. It has nurtured a riverwalk that has been called the most beautiful mile-long stretch in Illinois. It has one of the best school systems anywhere. A national research group recently named Naperville as the best city in America in which to raise a child. It is truly a big city with a small town atmosphere.

As you can imagine, Celebration 2000 is a gala for Naperville, by Naperville. Next month, the names of those who made the celebration a reality will be inscribed on a beautiful millennium labyrinth and wall. These will include Mayor George Pradel and Councilwoman Mary Ellingson, the remarkable co-chairs of the Celebration 2000 committee.

Along with the Naperville Millennium Tower and Carillon, which I told this House about recently, these festivities will ring in the new year with the sounds of community, abundance and joy.

It is no wonder that the White House Millennium Council has designated Naperville as one of fewer than 20 cities in the entire nation as a model for the future.

For three days, the people of Naperville will rejoice in their blessings and generosity. I know you will join me in standing to wish them all the best of happiness.

WORKPLACE PRESERVATION ACT

SPEECH OF
HON. ROBERT A. BRADY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 3, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 987) to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a study or guideline on ergonomics.

Mr. BRADY of Pennsylvania. Mr. Chairman, I rise in opposition to this measure and to all attempts to prevent America’s workers from safer working conditions.

I am amazed by what I have heard in this debate today. First, I heard that this is not a partisan debate. It most certainly is—just check the vote totals once we’re done.

Then, I heard that we can trust business to take care of its workers. If it did, we would not need collective bargaining—grievance procedures—or even the many studies the other side of the aisle keeps asking for. It is the unions in the workplace that take care of employees, not management.

Mr. Speaker, I know what I’m talking about. I came from the ranks of labor. Who was it that protected me when I was working on a scaffold? Who looked out for me to make sure I made an honest day’s pay for an honest day’s work? It was the union, that’s who!

Now, I also heard that Congress wants what is best for America’s workers. If that’s true, Congress should listen to the unions that were duly elected to represent those workers. They are totally opposed to this bill.

I urge my colleagues to listen to the workers voices and vote against this bill.

IN HONOR OF SHERIFF RICHARD ROTH

HON. PETER DEUTSCH
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. DEUTSCH. Mr. Speaker, I rise to honor the tremendous work of Sheriff Richard Roth. On July 26, Richard announced that he will retire at the end of his term with the Monroe County Sheriff’s Office. Sheriff Roth will be sorely missed by the South Florida law enforcement community, as Richard’s resume is nothing sort of astonishing.

Originally beginning his career in 1965 as a radio dispatcher, Richard Roth has held countless positions in the Monroe County Sheriff’s Office. Road patrol officer, detective, detective lieutenant, major—these are some of the many titles which Richard has held throughout his years of service. However, it wasn’t until 1990 that he was named Sheriff to carry out the term of former Sheriff J. Allison DeFoor II. Since his appointment to the post in 1990, Richard has been re-elected twice.

Throughout his tenure as Sheriff, Richard Roth has accomplished much, including the reduction of the crime rate in the Florida Keys. Sheriff Roth was also instrumental in implementing the “Smart Cop” program, a program in which deputies are assigned a particular area so that they can become acquainted with specific neighborhood problems and concerns. This is all part of Richard’s tremendous desire to have the Sheriff’s office closely tied to the community, so that the south Florida law enforcement community can best accommodate the citizens of Monroe County.

Though he will not be seeking re-election, Sheriff Roth’s term is by no means over. One year before the qualifying race to fill his position begins, Richard aims to have the Sheriff’s Office accredited. To accomplish this, the Monroe County Sheriff’s Office will have to meet all of the standards set by the Commission on Accreditation for Law Enforcement Agencies and the Commission for Florida Law Enforcement Accreditation.

Mr. Speaker, the future looks especially bright for Richard Roth because he will have his family near him full time. He and his wife Sandra have already celebrated their 41st Anniversary, and they will be busy traveling through Europe after Richard’s retirement. I wish to thank him for his tremendous work on behalf of the entire south Florida community, and I would like to extend my best wishes for the future as well.

TRIBUTE TO MR. JULIUS JOHNS
OF JOHNSON, KANSAS

HON. JERRY MORAN
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. MORAN of Kansas. Mr. Speaker, I rise today to pay tribute to a man who positively affected the lives of many people. Last month Mr. Julius Johns of Johnson, KS, passed away. Julius fulfilled many important roles in his life—each of them with honesty, compassion, and common sense determination.

Julius proudly served his country. During World War II he was stationed in Australia as
The goal of promoting clinical research is a non-partisan issue, and I look forward to working with my colleagues in the House to move this debate forward.

A LIFE WELL-LIVED IS A LIFE TO BE EMULATED

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. BARCIA. Mr. Speaker, some may say that the secret of a good life is fame or fortune. But I believe that the secret of a good life lies in the essence of people like Mr. Duane M. Butzin, of Auburn, Michigan. For it is the spirit of Mr. Duane M. Butzin that will continue to be reflected in our communities and our neighborhoods, despite their departing this life for the greater one beyond, that will serve as an inspiration to all of us.

I join with Duane Butzin’s family and friends in celebrating the life of this fine and upstanding citizen, who quietly, suddenly, left this life as a young man of 63 years of age. In his short years, Mr. Butzin was an inspiration to all those who knew him and all who witnessed the manner in which the filled his life with good deeds, good-natured laughter, and the most genuine willingness to help anyone in need, whether it be family, friend, or simply acquaintance. Indeed, Mr. Speaker, it is this type of individual, such as Mr. Butzin, who makes the State of Michigan such a pillar in the United States, and most assuredly, it is this type of individual who will remain the cornerstone of the future of our great country.

Mr. Butzin’s faith in those around him is evident in his wonderful family and friends. He was the devoted husband to his beloved wife, Eleanor, as well as a loving father to his two daughters Terry and Debra. His grandchildren, Ashley, Adam, Mandi and Mariah were a great source of pride. His brother, Gary, will most certainly miss his companionship, for Mr. Butzin found great solace from the outdoors, where he was an avid hunter and fisherman. His joy and delight with life are also evidenced with his appreciation of WWC wrestling. I join with his wife, children, grandchildren and brother in adding my voice to those who say Mr. Butzin’s loss is a loss to all of us in the community.

Mr. Butzin’s faith was well lived in his daily life and interactions with others. He was a member of St. Anthony’s Catholic Church of Fisherville and was a strong voice within the Church, both through his participation in services and by his being a role model for parishioners.

Mr. Speaker, at a time when the world needs more kind-hearted, generous people like Mr. Butzin, it is a loss to sorrow to lose him at such a young age. However, his legacy is his wonderful, devoted family and his joy and celebration of life, which will continue to inspire all who knew him. Please join me in remembering and honoring Mr. Duane M. Butzin, and all that his life represents: integrity, honor, courage, a deep and abiding love for his wife, Eleanor, and his family. He continues to serve as a role model to us all.

THE BROWNFIELDS REMEDIATION WASTE ACT OF 1999

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. TOWNS. Mr. Speaker, for several years, administration officials had said they needed and wanted targeted legislation to give them necessary flexibility to achieve clean up goals of the Resources Conservation and Recovery Act (RCRA).

EPA has tried many times to address those needs as well through regulation. While those efforts have attempted to speed clean up and make requirements more rational, each attempt has met with legal challenges and protracted negotiations and lawsuits, severely limiting the Agency’s ability to effectively address this concern. Moreover, with each attempt at moving in the direction of common-sense, the Agency is forced to pay less for achieving statutory provisions that have inhibited Brownfields cleanups for 15 years.

Importantly, a 1997 General Accounting Office study confirmed this assessment: “EPA has concluded . . . the agency could not easily achieve compliance through the regulatory process. It believes that such reform can best be achieved by revising the underlying law to exempt governing remediation regulations from the general enforcement regulatory structure.”
waste." GAO examined EPA's concerns and those of many other stakeholders and agreed with EPA's assessment.

The portion of the RCRA law that we are concerned with is that which directs cleanup of properties contaminated with hazardous wastes. These sites often contain more than 5000 "RCRA permitted sites" plus most of the Superfund sites. Indeed, the current RCRA cleanup program also affects many state cleanup programs, including those at "brownfields sites," brownfields are abandoned, idled or under-used industrial and commercial facilities that are frequently contaminated by real or perceived environmental contamination. EPA estimates there may be as many as 450,000 of these sites. As brownfields redevelopment activities have increased, it has increasingly come to our attention that the hazardous waste management and permitting requirements under RCRA either preclude the development of some sites altogether or significantly increase the time and cost of redevelopment. In fact, EPA has stated that, "... RCRA requirements, written with the waste disposal industry in mind, may be unnecessarily burdensome when applied to brownfields cleanups."

Let's review some of the legislative record on this issue. First, the cleanup contractors who clearly want to see more remediation activity by industry are clearly concerned environmental cleanup industries faces significant impediments to implementing innovative, cost-effective solutions due to the strict permitting, treatment and disposal requirements imposed by RCRA on remediation wastes.

The law requires agencies which run voluntary cleanup and brownfields programs have stated: "As State Waste Managers who administer the RCRA programs, we have long recognized the need for significant reforms to the procedures by which sites are cleaned up under RCRA. Contaminated media is currently regulated by RCRA to the same degree as the "as generated/process wastes". This is inappropriate and often leads to many environmentally undesirable impacts such as a preference for leaving wastes in place rather than treating or removing them. Wastes and unnecessary delays due to permitting requirements." EPA has written in 1997: "While the agency has not endorsed any specific regulatory proposal, we continued to believe reform to application of RCRA requirements to remediation waste, especially RCRA land disposal restrictions, minimum technology, and permitting requirements, if accomplished appropriately could significantly accelerate cleanup actions at Superfund, Brownfield, and RCRA Corrective Action sites without sacrificing protection of human health and the environment."

Just last year, EPA had attempted one more time to provide some of the needed regulatory flexibility with the issuance of the Hazardous Waste Identification Rule (HWIR). We applaud the agency for those efforts. Unfortunately, that rule was litigated and is under settlement discussion. Remediation waste and newly generated wastes are completely different issues and should be treated differently. Even if EPA's efforts at a settlement are successful and maintain the flexibility needed to encourage cleanup, it will take the agency over two years to implement the changes and even then the new rule would be subject to lawsuit—again introducing uncertainty. Furthermore, the HWIR did not address all of the issues that EPA itself admitted need to be addressed to remove barriers to cleanup.

I rise today to state that we have heard the concerns of those who want to cleanup those waste sites, but have been deterred by the barriers in the law. I am pleased to announce that Congressman Towns and I have introduced the Brownfields Remediation Waste Act of 1999. This reflects a bipartisan desire to help fix some of the problems posed by RCRA to increase the number of Brownfields cleanups.

Fundamentally, this bill allows EPA to treat remediation waste differently from generated process waste. This bill also clarifies and provides the authority for the so-called "corrective action management units." The EPA rules now in place are recognized as satisfying the requirements of this clarified authority, and any future regulatory changes will benefit from a EPA study of real world problems encountered while implementing these rules.

The bill also corrects some limitations by providing that staging piles and temporary units may be used at off-site locations, owned or operated by the persons engaged in remediation at the first location. This will be helpful in consolidating and managing wastes away from the urban sites where they are currently found.

A large part of the success of remediation waste management reform, including the EPA rules and this legislation, depends on the States assuming this authority and having the flexibility to tailor these authorities in connection with their own remediation programs; whether operated under RCRA or otherwise. The bill enhances the innovation of these programs while requiring submission and approval of provisions implementing remediation waste requirements by EPA. EPA's current authorization, as it relates to remedy selection decisions in state programs themselves, would remain the same.

We look forward to bipartisan suggestions to improve this legislation and to doing our part to help those pursuing Brownfields and other remediation efforts.

INTRODUCTION OF LEGISLATION TO REAUTHORIZE THE CLEAN WATER STATE REVOLVING FUND

HON. SUE W. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing legislation to reauthorize for five years the most important environmental infrastructure programs. The Clean Water State Revolving Fund (SRF) was created by Congress in 1987 to enhance the federal government's effort to achieve the Clean Water Act's objective of restoring and maintaining the integrity of our nation's waters. The program was enacted out of the need for a funding mechanism which allowed the federal government to be responsive to the nation's considerable wastewater infrastructure needs, and also afforded states a necessary degree of flexibility in addressing their own particular needs. Since its inception, Congress has appropriated nearly $16 billion to states, who in turn have been able to provide nearly $24 billion in loans for wastewater infra-

structure maintenance and construction. The impact of this investment on the livability of our communities is immeasurable. In his testimony before the House Subcommittee on Water Resources and Environment, New York Governor George Pataki reflected on the benefits brought to his state by the SRF program, calling it "the biggest single source of state-spired infrastructure financing program ever."

Mr. Speaker, the time is now that we act to ensure a stable federal funding source that attempts to reflect state and local needs. The authorization for this program expired in 1994, leaving it susceptible to the whims of the budget and appropriations process. As evidence of this, one need only look at the President's proposal for the SRF in the FY 2000 budget. If enacted, his proposal of $800 million would amount to a $550 million cut compared to the enacted FY 99 level of $1.35 billion. A significant cut such as this would be particularly problematic at a time when the need for this investment is enormous. The Environmental Protection Agency estimates that in the next 20 years the country faces wastewater infrastructure needs of more than $139.5 billion, a figure acknowledged by most to be a conservative estimate. These documented needs exist in rural and urban areas in every state. The expense to our environment and the taxpayers will only increase the longer we procrastinate in addressing these needs.

We need to demonstrate a strong commitment to safe and livable communities. I feel this legislation marks an important stride in this effort. I would like to thank my good friend Mr. Towns, the distinguished ranking member of the Subcommittee on Finance and Hazardous Materials, whom want to see more remediation activity. Mr. TOWNS, the distinguished ranking member of the Subcommittee on Finance and Hazardous Materials, whom want to see more remediation activity. Mr. Speaker, today, along with Mr. Towns, the distinguished ranking member of the Subcommittee on Finance and Hazardous Materials, I am introducing H.R. XX the Brownfields Remediation Waste Act of 1999. This Act reflects a bipartisan effort that will do a number of things to improve the Nations' cleanup program and, most important, remove barriers and disincentives that have been within the law. It is our hope that this legislation, and I certainly hope that our colleagues will join us in the effort to reauthorize the Clean Water State Revolving Fund.
new life to these areas. Brownfields, loosely defined as abandoned or underutilized former industrial properties where actual or potential environmental contamination hinders redevelopment or prevents it altogether. The U.S. Environmental Protection Agency ("EPA") estimates that there may be as many as 450,000 such sites nationwide.

This epidemic poses continuing risks to human health and the environment, erodes States and local tax bases, hinders job growth, and allows existing infrastructure to go to waste. Moreover, the reluctance to redevelop brownfields has led developers to underdeveloped "greenfields," which do not pose any risk of liability. Development in these areas contributes to suburban sprawl, and eliminates future recreation and agricultural uses.

In the view of many, Federal law itself can be a culprit. The fundamental flaw in RCRA that hinders cleanup is that the law was primarily designed to regulate process wastes, not cleanup wastes. As a result, the law requires stringent treatment standards, usually based on combustion, for most wastestreams; establishes special permit and reporting requirements; and otherwise presumes that process wastes are continuously generated and disposed of at an ongoing manufacturing facility. RCRA's requirements are awkward, expensive, and hinder and prevent cleanup.

EPA Administrator Carbone believes that the cost of RCRA is too high. EPA has long believed that changes in the application of certain RCRA requirements to remediation waste are appropriate. While the Agency has not endorsed any specific legislative proposal, we continue to believe reform to application of RCRA requirements is necessary, particularly RCRA land disposal restrictions, minimum technology, and permitting requirement. If accomplished appropriately, could significantly accelerate cleanup actions at Superfund, Brownfield, and RCRA Corrective Action sites without sacrificing protection of human health and the environment."—Letter from Michael Shapiro, Director, Office of Solid Waste, U.S. EPA to Doug MacMillan, Executive Director, Environmental Technology Council dated January 27, 1997.

Perhaps the largest expense of RCRA is the enormous cleanup costs associated with the corrective action program. Although the RCRA corrective action cleanups could have been limited to address failures of the RCRA prevention program for as-generated wastes, Congress directed the statute more broadly to capture old, historic wastes as well. RCRA corrective action and closures, state cleanups, CERCLA actions and voluntary cleanups often involve one-time management of large quantities of wastes. Under RCRA, management of these wastes may trigger obligations to comply with RCRA and other federal and state requirements. For example, RCRA permits may be required for voluntary cleanups or state cleanups. Obviously this could seriously delay cleanups and dramatically increase their costs.

In addition, RCRA substantive requirements are designed primarily for wastes generated from ongoing industrial processes and may not fit well in remedial situations. For example, requirements for pretreatment of cleanup wastes may foreclose other cost-effective yet protective cleanup options...—Don Clay, Assistant Administrator U.S. EPA before the House Committee on Transportation, March 10, 1992.

State cleanup agencies have also noted these problems: "At some voluntary sites, on-site management of contaminated soils triggers the application of RCRA management requirements. While volunteers should use best management practices and comply with RCRA for offsite management of soil, meeting RCRA requirements onsite only serves to increase costs without providing them to commentate benefits to the cleanup."—Don Schregardus, Director Ohio, EPA, February 14, 1997.

...the objectives for site cleanups versus ongoing hazardous waste management differ markedly. The RCRA Subtitle C hazardous waste regulatory framework is designed to ensure the long-term safe management and disposal of as-generated hazardous wastes (sometimes termed "Process wastes"). RCRA Subtitle C is a prevention-oriented program containing many detailed procedural (permitting) and substantive requirements (land disposal restrictions and minimum technology requirements). Conversely, the objective of site cleanups is to achieve an effective, environmentally protective solution to existing contaminated sites. For this reason, application of RCRA Subtitle C requirements to remediating waste have already been released to the environment (i.e. contaminated media can, in many cases, increase costs and delay site remediation efforts without significant environmental benefit."—Catherine Sharp, Environmental Programs Administrator, Waste Management Division, U.S. EPA.

Indeed, State cleanup agencies have asked to make this legislation a priority and the legislation builds and principles adopted by the National Governors Association. Cleanup contractors have also asked us to pursue this legislation: "The Hazardous Waste Action Coalition (HWAC) the association of leading engineering, science and construction firms practicing in multimedia environmental management and remediation, strongly encourages [Congress] to make RCRA legislative reform a top priority...to [produce] a sound framework...removing impediments under RCRA...For example, RCRA's land disposal restriction requirements can completely eliminate many technically practicable remedies from even being considered. HWAC strongly believes that only legislative reform of RCRA [will] remove this and other disincentives to cleanup of RCRA contaminated waste sites."—Letter from the Hazardous Waste Action Coalition dated January 6, 1998.

Clearly the Brownfields Remediation Waste Act of 1999 addresses a real set of problems. The bill is tailored to do a number of things to address these problems. First, the bill provides EPA new authority to tailor regulations for the management of remediation wastes from brownfields, voluntary, State and other site cleanups without applying the often rigid and inappropriate regulations designed for newly generated process waste—thus, allowing EPA to remove barriers to fast and efficient cleanups. Second, the Act shields EPA's recent common-sense regulations concerning remediation wastes from unnecessary and disruptive court challenges. Finally, EPA will be given needed flexibility for offsite remediation waste management units. Finally, the Act allows State programs, subject to EPA review and approval, to run protective remediation waste programs tailored to their brownfields, voluntary response or other programs.

Mr. TOWNS and I am interested in all bipartisan suggestions for improvement and seek your support.

THE AMERICA'S PRIVATE INVESTMENT COMPANIES ACT

HON. JOHN J. LAFALCE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LAFALCE. Mr. Speaker, today, on behalf of myself and a number of House Members, I plan to introduce the America's Private Investment Companies Act. This legislation, also known as APIC, is part of the Administration's broader New Markets Initiative, which includes separate legislation to provide tax credits for investments in APICs and other community development entities, and to expand small business lending in low- and moderate-income communities.

After seven years of strong economic growth and job creation, the unfortunate truth is that many urban areas, mid-sized cities, and rural areas are not fully participating in our economic prosperity. Despite strong income and wage growth for many Americans, millions of Americans still don't have access to jobs which pay decent wages. APIC is designed to harness the private sector to revitalize distressed low-income communities, to create jobs and economic opportunities for those individuals who are being left behind.

Under the bill, the Secretary of HUD is authorized to license a number of newly created America's Private Investment Companies ("APICs") each year, and to guarantee debt for these APICs. In turn, these newly created APICs will be required to invest substantially all the funds raised through such debt in businesses operating in low-income communities.

In order to be eligible for APIC certification and for federal loan guarantees, an applicant must be a for-profit community development entity, which must have a primary mission of serving or providing investment capital for low-income communities or low-income persons, and which must maintain accountability to residents of low-income communities. The applicant must have a minimum of $25 million in equity capital available to it. Finally, the applicant must have a statement of public purpose, with goals that at least include making qualified investments in low-income communities, creating jobs that pay decent wages to residents in low-income communities, and involving community-based organizations and residents.

Under the legislation, HUD is authorized to guarantee $1 billion in debt each year for the next five years for an estimated ten to fifteen new APIC's each year. For every $2 of debt that the government guarantees for an individual APIC, that APIC must have at least $1 in equity capital, which is at risk of loss ahead of the federal guarantee. As a result, at $7.5 billion in additional low-income community investment, HUD will only guarantee $15 billion over the next five years. Yet, the cost of the combined credit subsidy and administrative cost is only $37 million a year.
Substantially all of the funds from guaranteed debt, plus required equity, must be used to make investments in “qualified low-income investments”—that is, in equity investments in or loans to “qualified active businesses” located in “low-income communities.”

A “qualified active business” is a business or trade, of which at least 50% of gross income must come from activities in “low-income communities,” of which a substantial portion of any tangible property must be in low-income communities, and of which a substantial portion of employee services must be performed in low-income communities.

Low-income communities are census tracts with either poverty rates of at least 20%, or with median family income that does not exceed 80% of the greater of the metropolitan area median family or the statewide median family income.

At a time when Congress seems eager to enact tax breaks and loan guarantees for a broad range of industries, it is not too ask for limited resources targeted to corporations which invest in distressed communities and low-income areas. I urge the House to hold hearings on this legislation, and to move towards its enactment.

FOREIGN TRUCK SAFETY ACT

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. LIPINSKI. Mr. Speaker, I rise tonight in opposition to NAFTA’s provisions to expand Mexican trucking privileges into the United States, and to introduce the Foreign Truck Safety Act, legislation that will mandate inspection of all foreign trucks at our southern border.

When we debated NAFTA in 1993, supporters claimed that NAFTA would not harm workers here or in Mexico, and would not harm the environment. Unfortunately, they were wrong. This treaty has sent thousands of good American jobs south of the border. It has also subjected that border to increased pollution of the air, water and land.

These are the most prominent promises broken by NAFTA. But we are about to add to the list. This Administration, under terms of NAFTA, is considering opening up all of America to Mexican trucks as of January 1, 2000.

What will be the entrance of Mexican trucks mean for America? It will generate more pollution and increase the loss of good paying jobs. Most seriously, it will threaten the lives of qualified American drivers who will be forced to share the road with unqualified foreign drivers, who, as evidence proves, are driving unsafe, pollution-belching trucks.

U.S. inspectors, some operating just during the weekday hours of 9:00 am to 5:00 pm, have found that almost 50% of inspected Mexican trucks have been ordered to undergo immediate service for safety problems. This is based on the results of the few inspections of foreign trucks already allowed to enter a commercial zone in the U.S. In reality, hordes of uninspected foreign trucks cross various border points after 5 pm, before 9 am, and on the weekends. Accordingly, the Department of Transportation’s Inspector General has already concluded that the DOT does not have a consistent enforcement program to provide reasonable assurance of the safety of trucks entering the United States. How could this Administration suggest expanding border-trucking privileges when we cannot regulate the current privileges we offer?

Unsafe trucks are not only appearing in the four border states. But as the map here shows, reports of dangerous trucks have come from at least 24 additional states. From Washington to Illinois to New York, the entire country is at risk. That is why I am introducing the Foreign Truck Safety Act, because it will require mandatory safety inspections on all trucks crossing into the U.S. from Mexico. As of January 2, 2000, the Foreign Truck Safety Act will authorize the border states to impose and collect fees on trucks to cover the cost of these inspections. By requiring all trucks to pass inspections before entering the United States, we can help to limit the risks these unsafe trucks pose to our citizens. This country entered into NAFTA in order to better the lives of our citizens. Without this legislation, we will simply put our citizens in jeopardy.

I am concerned about the thousands of unsafe Mexican trucks rumbling down our highways and byways. Average Americans are already fearful about driving next to large, safe U.S. trucks that pass inspections; imagine their fear when unsafe Mexican trucks hit our streets, roads, and highways and byways. Average Americans are already fearful about driving next to large, safe U.S. trucks that pass inspections; imagine their fear when unsafe Mexican trucks hit our streets, roads, and highways.

Mr. Speaker, it is time to stand up for Americans. Therefore, I urge all of my colleagues to work with me to pass the Foreign Truck Safety Act so that Americans will never be afraid to drive down Main Street, U.S.A.

CELEBRATING A CAREER OF ACCOMPLISHMENT

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. BARCIA. Mr. Speaker, when a fine and upstanding man such as Mr. William R. Wittbrodt of Midland, MI decides to retire after a long and distinguished career, then we must send our congratulations and our commiserations to his employer. So I join with all of his colleagues in saying that “Bill” Wittbrodt’s dedication to the work of the United States Steelworkers of America will become that of legend, as has his dedication to his wonderful family. We can only surmise that the value of his efforts will continue to appreciate during his retirement.

Mr. Wittbrodt began his contributions to society with service in our Armed Forces, with his enlistment in the Air Force in 1947, where he served four years, including his service in Korea. Mr. Wittbrodt returned to his native Midland afterwards, and upon joining Dow Chemical, became a member of Local 12075, District 50, United Mine Workers. Thus, his devotion and service on behalf of Local 12075 was begun.

Without Mr. Wittbrodt’s meticulous stewardship and great dedication to Local 12075, the local union would not have been so successful and so committed to the rights of fellow members. Mr. Wittbrodt’s leadership was evidenced early; in 1954 he became the Elected Shop Steward, 5 years later he was elected full-time Chief Steward, and in 1965 he was elected to the Local Union 12075 Bargaining Committee. In 1969 he achieved a well-deserved pinnacle
of his commitment: the Presidency of Local 12075.

Mr. Wittbrodt’s success as President was so evident that he was elected to four consecutive terms, and, while President, shepherded Local 12075’s merging with the United Steelworkers of America in August 1972. In unalloyed support, Mr. Wittbrodt became Staff Representative to the United Steelworkers of America, and, finally, this caring and devoted man became Sub-District Director, District 29 of the United Steelworkers of America in 1983.

Mr. Speaker, I have spoken at length of Mr. Wittbrodt’s great contributions to the people of Michigan. But of equal importance is his great devotion to his wife of thirty-five years, Leona, and his grandchildren, Merrit, Chad, Denise, Adam, Tyler and Jason, as well as his beloved great-grandchildren Jay Richard, Haley Marie and Lauren. It can be no understatement that Mr. Wittbrodt will be sorely missed by the people of Michigan he served in his distinguished career, and I join with them in expressing my deep and abiding appreciation to Mr. Wittbrodt in this first year of his retirement.

As Mr. Wittbrodt’s retirement, I urge you, Mr. Speaker, and all of our colleagues to join me in congratulating him for this distinguished career, and in wishing him and his wonderful family many happy years to come.

WEST COAST LABOR AGREEMENT

HON. NORMAN D. DICKS
OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. DICKS. Mr. Speaker, I want to bring to the attention of my colleagues a highly significant but largely unnoticed development—the reemergence of labor-management conflicts at West Coast dock workers and clerks. At 5 p.m. on July 1st, with a news blackout in effect, the West Coast longshore contract expired. From early May until mid-July, officials of the Pacific Maritime Association representing roughly 100 companies on the West Coast, and representing shippers, carriers of cargo, and the International Longshore and Warehouse Union (ILWU) met to try to hammer out a new agreement. After several days of complex, difficult negotiations—frequently lasting through the night—the two sides reached agreement several days ago. Last week, more than 99 percent of the delegates to the ILWU caucus recommended approval of the new three-year pact. It is expected that before the end of August this agreement will be fully ratified and that West Coast ports will be back to work by the end of August.

The reemergence of labor-management conflicts at West Coast ports is not a threat to our nation’s economic recovery. But because of the specialization, the U.S. West Coast ports are one of the most important landings for Asian cargo to East Coast ports. A full-fledged strike would put the U.S. and many other economies at risk. In the past week, many union workers have struck several West Coast ports. Work slowdowns have affected port operations. A full-fledged strike would put the U.S. and many other economies at risk.

For all these reasons, the risk of a port strike is simply too great for the U.S. and world economies. The current act of management-union negotiations warrants a watchful eye from the White House and Treasury as well as the Department of Labor. If need be, both sides should be locked up at Camp David to finish the talks. But, in no case, should the ports be allowed to shut down.

There have been long truck lines, and we’ve been getting calls from worried manufacturers. We should be able to keep ships dockside. But both sides declined to discuss what agreements, if any, were reached on several important contract issues; increasing the productivity of longshoremen, the number and type of jobs under union control, and the use of new labor-saving technology on the docks.

Negotiators said the terms of the contract will not be released until after the agreement is ratified in the weeks ahead by union members and the executive board of the maritime association.

“We are pleased to have reached an agreement that provides ILWU members with a pay increase that rewards the hard work they put forward every day,” said James Spinosa, the union’s vice president and chief negotiator.

West Coast longshore workers now earn about $80,000 to $100,000 a year, depending on their skills and rank. Wages can go higher for heavy equipment operators, dock bosses and marine clerks who handle the more specialized work.

Association officials headed into the negotiations saying the talks were critical for increasing the productivity of the waterfront labor force. They also said they hoped to engage in substantive discussions about the use of technology on the docks. A goal would be to avoid repeating the score of costly work stoppages that followed the 1998 labor contract.
Among the issues critical to the union were increases in pension and medical benefits as well as the union's jurisdiction—the number of port-related jobs that fall under its control.

Labor officials said that if modernization continues, steps must be taken to preserve union positions and expand the organization's port bound box efforts.

Both sides came to the bargaining table in May after several years of court fights and political rancor. With the use of longshore single-longshore locals in Southern California had repeatedly tried to remove President Brian McWilliams and neutralize his power.

The National asked for a vote of no confidence in the president and demanded that he take a leave of absence for the reminder of his term. Williams, however, has remained in office.

The union's internal conflict coincided with series of sharp attacks by the Pacific Maritime Assn., which targeted the productivity and reliability of longshore workers.

Mc Williams has a labor relations specialist who worked for Ford Motor Co. and Ryder, led the assault in public and in court, repeatedly suing the union over work stoppages and slowdowns to no avail.

Minahe contends that productivity, measured by tons of cargo handled per hour paid has either flat or decreased in each of the last four years. His greatest fear, he said, was that customers would send their goods through other ports in the United States or Mexico if things didn't improve on the West Coast.

Union officials criticized Miniahe's aggressive approach, saying he was a newcomer who did not understand the shipping industry.

[Los Angeles Times, Fri., July 16, 1999]

LONGSHORE WORKERS, SHIPPERS REACH PACT

(By Dan Weikel)

Longshore workers and shipping companies agreed to a new labor contract late Thursday, clearing the way for the resumption of normal cargo operations at West Coast ports that have been plagued by work stoppages and slowdowns for the last 10 days.

After almost two months of bargaining in San Francisco, the powerful International Longshore and Warehouse Union and the Pacific Maritime Assn. concluded a new three-year contract that will affect more than 30,000 dock workers in California, Oregon and Washington.

With tensions running high, there had been considerable fear that the West Coast was headed toward its first dock strike since 1971. West Coast ports, which handle cargo worth an estimated $280 billion every year, are critical to the nation's economy.

Details of the agreement were unavailable Thursday, but negotiators said it offered increases in pay, health insurance and pension benefits for future as well as current longshoremen, some of whom have pensions as low as $240 a month.

"I think this is a very good agreement for the ILWU and the Pacific Maritime Assn.," said Joseph N. Minahe, president of the West Coast's largest shipping association. "We had almost two weeks of work slowdowns, and we've been working until 3 a.m. the last few nights to get a contract. I am relieved; our team is relieved, and their team is relieved."

The Pacific Maritime Assn., which is the union's counterpart, negotiates and administers labor contracts for about 100 shipping lines, stevedore companies and terminal operators.

Association officials said Thursday evening that normal cargo operations will resume at all West Coast harbors, which have been hampered by work slowdowns since early July.

During their peak, longshore workers shut the Port of Oakland for two days and reduced the flow of cargo by at least half at many terminals along the coast.

The pace of work raised fears that the delays eventually would cost businesses and industry millions of dollars in lost revenue, not to mention losses in fees to port authorities.

Harbor officials in Long Beach and Los Angeles, the nation's largest combined port, said Thursday that any backlog of cargo should be cleared from the docks in the days ahead.

**INTRODUCTION OF THE AIDS MARSHALL PLAN FUND FOR AFRICA**

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. LEE. Mr. Speaker, today I rise to introduce legislation designed to focus both attention and resources on the global emergency of HIV/AIDS, which is wreaking havoc in developing countries, most tragically in Sub-Saharan Africa.

Throughout much of the First Session of the 106th Congress, much information has been disseminated and discussed about the HIV/AIDS crisis in Africa. While AIDS has afflicted Africa since the late 1980's, the latest increase in the HIV/AIDS infected population is staggering. The disease is quite literally obliterating entire communities and devastating the continent.

The United Nations Children's Fund (UNICEF) 1999 Annual Report notes that of the 14 million people worldwide who have died from AIDS, 11 million are from the nations in Sub-Saharan Africa.

UNAIDS, the United Nations coordinating entity which tracks and combats HIV/AIDS, estimates that 22.5 million Sub-Saharan African adults and children are currently living with AIDS.

Additionally, the HIV/AIDS virus is devastating southern Africa. In Zimbabwe, 1 out of 5 adults is infected with HIV/AIDS, and an estimated 1,400 people die each week from AIDS. In South Africa, an estimated 3.6 million people are infected with the HIV/AIDS virus.

AIDS 1999 Census Bureau report states that the average life expectancy in Botswana, malawi, Swaziland, Zambia and Zimbabwe fell from approximately 65 years of age to 40 years of age. This represents the lowest life expectancy rates in the world and is largely due to the mortality rates from HIV/AIDS.

In April, I had the opportunity to participate in a Presidential Delegation to Southern Africa to examine the growing crisis of African children orphaned by AIDS. These children now total 7.8 million and are estimated to reach 40 million by 2010. The 1999 annual report by the United Nations Children's Fund tells us, and I couldn't agree more, that "the number of orphans, particularly in Africa, constitutes nothing less than an emergency, requiring an emergency response" and that "finding the resources needed to help stabilize the crisis and protect children is a priority that requires urgent action from the international community."

Not only do we have a moral imperative to address this epidemic, but it is in our own best interest to do so. HIV/AIDS in Africa is more than a humanitarian crisis, it is an economic crisis, crippling Africa's workforce in many areas and creating even greater economic instability where poverty is ever-present. For example, companies such as Barclays Bank and Shell, have warned of economic collapse and employ- ees for each skilled job, assuming that one will die from AIDS. The Southern African AIDS Information Dissemination Service estimates that over the next 20 years, AIDS will reduce by one-fourth the value of the economies of southern African countries. We cannot create successful and sustainable economic partnerships with African nations unless we address, in a substantial manner, the HIV/AIDS epidemic.

Additionally, HIV/AIDS poses serious national security concerns among the continent and globally. Perhaps the most stunning example is the 80 percent HIV infection rate of the military forces of Zimbabwe. Fledging democratic nations, such as Nigeria, have yet to confront the HIV/AIDS epidemic and are reversible. Nigeria also has soldiers returning from peacekeeping operations in Liberia and Sierra Leone. If these soldiers are not tested and advised about the serious nature of their infections and educated about the risk they pose to others, we will see a whole new level of devastation from the epidemic.

Mr. Speaker, I am convinced that the United States must take the lead in developing an immediate and sustained response to this crisis in Africa and globally. It is in our own national interest to aggressively attack the HIV/AIDS crisis in Africa, just we have with other diseases such as smallpox and polio. Communicable diseases know no boundaries. As the world gets smaller, we have an obligation to eradicate HIV/AIDS from the face of the earth to protect the world family from its devastating effects. To date our response as a nation to this global epidemic has been sorely inadequate. For this reason, today I am introducing the AIDS Marshall Plan Fund for Africa Act (AMFPA). The AIDS Marshall Plan will assist African governments and non-governmental organizations to combat and control HIV/AIDS by providing grant funding for HIV/AIDS research, education, prevention and treatment.

Specifically, this legislation creates the AIDS Marshall Plan Corporation that shall assist African governments and non-governmental organizations to combat and control HIV/AIDS by providing grant funding for HIV/AIDS research, education, prevention and treatment.

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Additionally, the Corporation shall create a stochastic model for African governments to establish matching funds based upon ability to pay and to demonstrate a national commitment to combating HIV/AIDS by establishing, for example, a national HIV/AIDS council or agency.

Additionally, Mr. Speaker, the administrative costs, or overhead associated with the AMPFA Corporation, are mandated to be no more than 8 percent of the Corporation’s overall budget. The AMPFA Act authorizes the appropriation of $200 million for each of the fiscal years 2001 through 2005. Also, for each of the fiscal years 2002 through 2005, the Act authorizes an appropriation to fund an additional amount equal to 25 percent of the total funds contributed to the Corporation.

Mr. Speaker, in a June 1999 lecture entitled “The Global Challenges of AIDS”, United States Secretary General Kofi Annan stated that “no company and no government can take on the challenge of AIDS alone. What is needed is a new approach to public health—combining all available resources, public an private, local and global”. It is my intent that the AIDS Marshall Plan for Africa serve as a replicable model for addressing this crisis globally. Already, this proposed legislation has received the support of over 40 Members of Congress and has caught the interest of the African diplomatic corps, African and African-American organizations, AIDS activists, and global health organizations that are interested in providing assistance to pass the legislation. In closing, Mr. Speaker, I am committed to seeing this legislation through to final passage and encourage my colleagues to review the legislation and to contact me or my staff with questions. This bill will support Africa in a substantial and meaningful manner.

ABUSES BY STATE TAXING AUTHORITIES

HON. JERRY WELLER OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Thursday, August 5, 1999

Mr. WELLER. Mr. Speaker, I submit for the RECORD the following letter:

DEAR MR. WALKER: I am writing to request an investigation by the United States General Accounting Office (“GAO”) of alleged abuses by State taxing authorities against former residents.

As a Member of the Oversight Subcommittee of the House Ways and Means Committee, I spent significant time last year addressing the issue of taxpayer abuses by the Internal Revenue Service. As a result of our work, and Congressional and GAO investigations, excessive and improper tax violations and wrongdoings were uncovered within the IRS. Last year, Congress held a series of hearings on the issue and addressed these serious problems by passing significant reforms and taxpayer protections as part of the “Internal Revenue Service Restructuring and Reform Act of 1998.”

I am therefore disturbed to learn that while we addressed taxpayer abuses at the federal level, there may be just as many oppressive actions occurring throughout the country. A recent Forbes Magazine article entitled “Tax torture, local style” ([July 6, 1998]), highlights the fact that “[T]here are at least half as many revenue agents working for the states as the federal government” and “[C]ollectively, they are just as oppressive as the feds.” See, Attached Article. In another article, the Los Angeles Times reported that the state taxing authority, the California Franchise Tax Board, “is second in size and scope only to the Internal Revenue Service” and by all accounts the state agency is the more efficient, more aggressive and more relentless of the two and “there is little to stop the agency from becoming more aggressive.” See, attached article, “State Agency Rivals IRS in Toughness,” Los Angeles Times (August 2, 1999, page 1).

The Forbes article lists a number of state tax department problems including: (1) privacy violations by California, Connecticut, and Kentucky; (2) criminal or dubious activities by Connecticut, Indiana, Kentucky, New Mexico, North Carolina, Oklahoma, and Wisconsin; (3) mass erroneous tax-due bills by Arizona, California, Indiana, Michigan, and Ohio. In addition, my office has recently received materials from taxpayers alleging abuse by State taxing agencies (e.g., materials from Mr. Gil Hyatt alleging a number of abuses by the California Franchise Tax Board (“FTB”) against former residents of the State of California). See, Attachment. I believe this issue is serious, and deserves study and a full investigation by the GAO. Should taxpayer abuses exist at the State level against former residents, I would recommend and support appropriate legislation to address these deplorable activities and encourage State’s Attorney Generals to begin separate investigations into such actions. We should do whatever we can to protect the rights of our citizens against overzealous Federal or State tax agencies.

I look forward to working with you and your staff on this important investigation.

Sincerely,

JERRY WELLER, Member of Congress.

THE WIDESPREAD ABUSE

When Congress passed the Internal Revenue Service Restructuring and Reform Act of 1998, an era of tyranny at the IRS came to an end. Congress uncovered a story after story of taxpayer abuse by the IRS. The stories of abuse so inflamed the public and Congress that sweeping reform soon followed. But taxpayer abuse is still as prevalent as ever—only the perpetrators of this abuse are the state taxing agencies. In its rush to reform the IRS, Congress overlooked a whole other level of taxpayer abuse at the state level. This type of abuse by state taxing agencies has received attention from the press. In the article “Tax torture, local style,” William Barrett discusses the “extortion,” “swiping false declarations of taxes,” “false notices,” “privacy violations,” and “criminal or dubious activities” by state taxing agencies. (William Barrett, Forbes, July 6, 1998). Many states have reported to the IRS that the Internal Revenue Service—by all accounts the state agency is the more efficient, more aggressive and more relentless of the two. (Liz Pulliam, “State Agency Rivals IRS in Toughness,” L.A. Times, August 2, 1999, at A1). She also quotes Mr. Dean Andal, a former FTB Board member, who criticizes the FTB as “brutal” and “hard and sometimes arbitrary” and states that “there is little to stop the agency from becoming more aggressive” (Pulliam supra).

States are particularly abusive towards former residents who have moved to another state. Moving to another state is a common occurrence in the U.S., where citizens have the constitutional right to travel to and establish residency in any state in the United States. In 1996, Congress passed legislation which prevents state taxing the pensions of retirees living in other states. This congressional legislation illustrates the need for federal intervention in order to prevent states from overreaching in their pursuit of tax revenue. Unfortunately, this action by Congress only focused on one small avenue in which states illegally pursue nonresidents for additional taxes. Another tactic is to assess a tax on citizens leaving the state by contesting when the former resident moved out of the state. Years after a citizen has relocated to another state, the state taxing agency will open a “residency audit” to extort a former resident. **HD***The Abuse Exemplified: The California Franchise Tax Board

The abusive taxing tactics used by states is best illustrated by the California Franchise Tax Board (FTB), as indicated in the LA Times article supra.

[“The FTB is tainted by arrogance and a stubborn unwillingness to compromise.”]

“For two years in a row, corporate tax executives have ranked California’s [FTB] among the toughest, least fair and least predictable state tax agencies in the country.”

STATE IS RANKED MOST AGGRESSIVE

Many corporate taxpayers agree. In both 1997 and 1998, company tax executives ranked California at the top of “Worst Offenders’ list compiled by CFO magazine to rate the tax agencies of the 50 states. . . . The state [California] was described as among the least predictable in administering tax policy and among the most likely to take a black-and-white stance on unclear areas of tax law. (Pulliam, supra).

The FTB particularly targets for abuse Nevada residents who formerly resided in California. The FTB agents are well trained in targeting such nonresidents. For example, the FTB targets wealthy and famous people living in gated affluent communities of Las Vegas. Agents develop a list of of alleged offenders from property rolls, tax records, and newspaper accounts. This list is supplemented by trips into the wealthy neighborhoods of Las Vegas in order to survey former California residents. Wealthy and famous individuals are the favored targets because they are particularly vulnerable to threats of violating their privacy and causing them bad publicity. The FTB then audits the victim’s financial and personal affairs. This includes agents making periodic trips across state lines in order to secretly survey victims. The agents trespass onto the victim’s property, enter未经许可的 premises, and even probe the victim’s garage and mail all while making sure to avoid contact with the victim. All of this is done stealthily, without the
knowledge of the Nevada authorities. If the agents are caught in the act, they falsely claim immunity for their auditing tactics under color of authority and they claim a false constitutional right to collect taxes in Nevada—all while violating the constitutional rights of their victims. The FTB's tactic of predatory auditing is not a legitimate investigation, but a covert operation to uncover private information for what is best characterized as extortion of the victim.

The FTB hires inexperienced and unsuccessful recruits as auditors. Many of these auditors are victims' friends and unsupervised. They are given training manuals that they do not study. The training materials are illustrated with such sadistic cartoons as a skull-and-crossbones on the cover of the penalties section (which is to illustrate how to pirate an additional 75% override on the tax assessment). They have little or no legal background or training and do not know nor do they care about the victim's Constitutional rights. They except legal cliches and case law from other auditors and insert them throughout their work. They manipulate the facts and present them in a misleading manner. They misrepresent evidence that they read that supports the FTB's position and they ignore information about supports the victim's position. Some auditors are so inept that they actually use pseudonyms from “boilerplate” and training manuals (e.g., Marie Assistant) in their own audits because they do not understand the evidence. This is an obvious step as the need to replace the pseudonyms in the “boilerplate” audits with the actual names of the individuals in the particular case under audit. These are the kind of people that California has charged with the awesome power of auditing taxpayers—``the power to tax is the power to destroy.''

The FTB gathers large quantities of private information about the victim during the audit. The FTB goes to the victim's adversaries, who are not privy to the victim's private information, and offer them a way to help dispose of their income and assessments and get promotions and rewards. The FTB uses some tactics to get these addresses—``the power to tax is the power to destroy.''

The FTB maintains, for example, that a former California resident is only permitted to sell a California house to a stranger and that a former California resident is only permitted to reside in a Nevada house if he can prove he has resided in a Nevada apartment if: 1) the apartment complex has security gates, 2) the apartment is left “trashed” after moving out, 3) the apartment managers can provide information on the movements of the tenant (even after several years have passed since the tenant lived there), and 4) poor people do not reside in the apartment complex.

Unbelievably, the FTB relies on the following considerations as supporting California residency:

- A bank account in a Nevada bank is a California connection.
- An overnight stay in a California motel is a California connection.
- A bank account in a Nevada bank is a California connection.
- The FTB will disregard the victim's substantial connection in Nevada and preempted submission of thousands-more solid Nevada connections to the victim. Even more significant, the thousands of Nevada connections involved thousands-of-times more value (purchase offers on custom homes).

The California Legislature was so suspicious of and annoyed about the FTB that it passed the Taxpayer's Bill of Rights statute, which, among other things, forbids the FTB from evaluating employees based upon revenue collected or assessed or upon revenue collected or assessed or upon production quotas. The law also states that the creation of the FTB must certify in writing annually to the California State Legislature that the FTB has not evaluated employees based upon revenue collected or assessed or quotas. But this certification is misleading since, by an indications, promotions and rewards still go to those FTB employees who bring in the most revenue. And quotas by different names abound in the FTB. Once FTB employee rapidly progressed from a low-ranking auditor to a high-prestige position for making one of the FTB's largest residency assessments ever. FTB auditors must generate over $1,000 of revenue for every hour charged to an audit. A quota system is indicated in the LA Times article supra: “The agency [FTB] added 362 auditors between 1992 and 1996, promising the legislative that the new positions would boost collection.” Furthermore, the FTB is using less harassing of FTB auditors. Instead, this type of auditing and tax collection appears to be encouraged by management. The FTB claims to have layers of review in order to ensure accuracy and fairness, but in reality, auditors are already pro-liferate the fraud of the FTB auditors. The auditor’s supervisors do not get involved in the audits, instead relying completely on an auditor’s self-serving narrative report in reviewing an audit without any regard for the victim’s evidence or arguments. Unbelievably, FTB auditors and management get credit for assessments and get promotions and rewards immediately after the audit even though the assessments may never be collected at all and any collection may be decades away. This encourages excessive tax assessments and promotions for immediate results, but the feedback that it was a bad audit may be more than a decade away.

The legal department gets involved in reviewing penalties, but indications are that the lawyers encourage unwarranted penalties to force a settlement rather than provide an independent review. This is confirmed by the fact that the FTB audit and protest proceedings are expressly exempted from the California administrative proceedings act to permit the FTB to proceed in violation of the victim’s Constitutional rights. The FTB implies that the “protest” proceeding is an independent review of an objective protest officer, when it fact it is a continuation of the investigation to gather more information, to attempt to force the victim into an extortionate settlement, and to prepare the FTB’s case for any appeal by the victim to the next stage of the administrative proceeding. The victim tells his case to a wolf-in-sheep’s-clothing, misleading the victim into presenting his or her case to an independent reviewer when in fact the protest officer is an important part of the FTB’s abuse. The victim was sold to a victim under the sham that the audit and the protest are merely investigations is untenable and will be easily declared unconstitutional when challenged.
alleging that purchases made in Nevada after the concocted Nevada residency date are California residency connections for the period before this concocted Nevada residency date in order to attempt to support this date.

Actual Nevada receipts are not Nevada connections while false California receipts that the FTB concocts are California connections.

A credit-card purchase made in Nevada for use in a Nevada house is a California residency connection if the credit-card charge, unknown to the Nevadan, is cleared through a California credit-card office.

A California driver’s license, surrendered to the Nevada DMV upon obtaining a Nevada driver’s license, is a California residency connection because the surrendered California driver’s license had not yet expired while the Nevada driver’s license is not a Nevada residency connection because it is easy to get.

Gifts sent by a Nevadan to an adult child or a grandchild living in California constitutes a California residency connection.

Checks drawn on a Nevada bank are California residency connection even though the checks were written in Nevada by a Nevada resident for work done on a Nevada house and where the checks were even cashed in Nevada; and a regulated investment company open-ended fund (a mutual-fund money-market account) was deemed an actual fund-money-market account constituting a California residency connection and a basis for a fraud determination even though the FTB Legal branch gave a legal opinion stating that the regulated investment company is not a bank and normally not a California residency connection.

This is only a partial list of the kind of absurd considerations that the FTB will use to rationalize its residency determinations. Such far-fetched and concocted California connections while false California receipts that the FTB concocts are California connections.

CELEBRATING THE SERVICE OF MS. EMILY AMOR

HON. TONY P. HALL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today to recognize a wonderful woman and exemplary citizen of the District of Columbia. Ms. Emily A. Amor is now 96 years old and has just been named the “Volunteer of the Century” by the Central Union Mission. She has been an active volunteer for almost 20 years. Her dedication to God, to her country and to those in need has been proven through a lifetime of service. She has served by praying, working, or volunteering. Her commitment has led her to join me every Wednesday morning at 7 a.m. to pray for the city of Washington, D.C., its leaders and its residents. She has served meals to the homeless on every major holiday for years. And before retiring at age 70, she worked with the Department of Housing and Urban Development.

She is truly an amazing example of a selfless servant. She has a heart-felt compassion for others, especially those who are poor and hurting. Her life has truly exemplified Jesus Christ’s example of loving one’s neighbor, no matter who they might be. I only hope that I can have half as much life in me as she does when I reach age 96.

I ask my colleagues to join me in commending Emily for all of her great work. Even if I am glad to be among friends and am humbled by her servant’s heart, I wish her the best for many years to come.

THE NUCLEAR WEAPONS DE-ALERTING RESOLUTION

HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. MARKEY. Mr. Speaker, 54 years ago tomorrow a single bomb in a single city changed our world. The atomic bomb dropped on Hiroshima leveled the city, engulfed the rubble in a fireball, and killed 100,000 people. Three days later another 70,000 people died at Nagasaki, and people are still dying today from leukemia and other remnants of those explosions.

The victims of Hiroshima cast shadows from the explosion’s blinding light that were permanently etched not only in the remaining buildings but also in our souls. Since August 6th, 1945 we have lived in fear that such nuclear destruction would happen again, perhaps in the United States. Today, the accidental launch of a single missile with multiple warheads could kill 600,000 people in Boston, or 3,000,000 people in New York, or 700,000 people in San Francisco or right here in Washington, D.C. If that missile sparked a nuclear exchange, the result would be worldwide devastation.

For 40 years of Cold War we played a game of nuclear chicken with the Soviet Union, racing to make ever more nuclear bombs, praying that the other side would turn aside. During the Cuban missile crisis and many other times we came perilously close to going over the cliff. Then in 1981 the Cold War and the Soviet Union ended. Yet today we not only keep hundreds of nuclear missiles with nowhere to point them, we keep many of them ready to fire at a moment’s notice.

This threat from this “launch-on-warning” policy is real. On January 25, 1995, when Russia radar detected a launch off the coast of Norway, Boris Yeltsin was notified and the “nuclear briefcase” activated. It took eight minutes—just a few minutes before the dead-line to respond to the apparent attack—before the Russian chief of staff was informed. There was no threat from what turned out to be a U.S. scientific rocket. The U.S. is not immune: on November 9, 1979 displays at four U.S. command centers all showed an incoming full-scale Soviet missile attack. After Air Force planes were launched it was discovered that the signals were from a simulation tape.

And the danger of an accidental nuclear war is growing. The Russian command and control system is decaying. Power has repeatedly been shut off in Russian nuclear weapons facilities because they couldn’t afford to pay their electricity bill. Command centers at some of their nuclear weapons centers have been disrupted because thieves stole the cables for their copper. And at New Year’s the “Y2K” bug in computers that are not programmed to recognize the year 2000 could cause monitoring screens to go blank or even cause false signals.

There is no reason to run the terrible risk of an accidental nuclear war. It is hard today to imagine a “bolt out of the blue” sudden nuclear attack. And even if the U.S. was devastated by an attack, the thousands of nuclear warheads we have on submarines would survive unscathed. Keeping weapons on high alert is an intemperate response to an implausible event.

Mr. Speaker, it is time to take a large step away from the brink of nuclear war, to take our nuclear weapons off of hair-trigger alert. Today I am introducing a resolution that expresses the sense of Congress that we should do four things:

1) We should immediately remove some nuclear weapons from high alert.
2) We should study methods to further slow the firing of all nuclear weapons.
3) We should use these unilateral measures to jump-start an eventual agreement with Russia and other nuclear powers to take all weapons off of alert.
4) And we should quickly establish a joint U.S.-Russian early warning center before the Year 2000 turnover.

These are not new or radical ideas. President George Bush in 1991 ordered an immediate standoff of nuclear bombers and took many missiles off of alert. President Gorba- chev reciprocated a week later by deactivating bombers, submarines, and land-based missiles. Leading security experts, including former Senator Sam Nunn, former Strategic Air Command chief Gen. Lee Butler, and a National Academy of Sciences panel have endorsed further measures to take weapons off of high alert. Two-thirds of Americans in a 1998 poll support taking all nuclear forces off alert, and this week I received a petition signed by 270 of my constituents from Lexington, MA calling on the President to de-alert nuclear missiles.

I urge my colleagues to join together to co-sponsor this resolution. The best way we can commemorate the anniversary of the nuclear explosion at Hiroshima is to make sure we will never blunder into an accidental nuclear holocaust.

INTRODUCTION OF LEGISLATION

HON. CHARLES W. “CHIP” PICKERING
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. PICKERING. Mr. Speaker, I rise today to address one of the problems I believe are necessary to improve the administrative processes of the Federal Communications Commission (FCC). The issue that I believe needs to be addressed immediately relates to the proliferation of merger activity in the telecommunications industry.

Since passage of the Telecommunications Act of 1996, the industry has seen massive upheaval as companies try to position themselves for the new Information Age economy. Many of these companies are attempting to combine their strengths to better position themselves to compete in a deregulated marketplace. One of the problems these companies have faced recently is the regulatory uncertainty of the FCC’s merger review process.
As we all know, the telecommunications industry is one of the key driving forces of our economy. As such, we, in the Congress need to ensure that unnecessary government intervention doesn't cause needless delay in bringing new and innovative products to the market. Everyone must ensure that the business community is not disadvantaged by an endless regulatory review process. Whenever a company is required to seek approval of the government, there is some uncertainty as to whether a merger review will take 3 months, 9 months, or even 16 months. There is simply no logic or rationale to the FCC's lengthy process. The uncertainty of the regulatory process can have devastating effects on both large and small companies. This potential for uncertainty can have devastating effects on both large and small companies. This potential for uncertainty can have devastating effects on both large and small companies. 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across America. The future depends on the choices we make today. Shifting our priorities from Pentagon waste to unmet health needs will save lives, and assure good health for this and the next generation.


By Admiral Stansfield Turner, U.S. Navy, ret.

Last week, the House of Representatives voted to cancel the $6 billion F-22 fighter aircraft program because America does not need such an expensive weapon. The same criteria that led the House to scuttle that Cold War holdover should lead to canceling other weapons programs.

There's more in the Pentagon's budget to cut, and invest in Sensible Priorities. Case in point: We spend over $30 billion each year maintaining a nuclear arsenal at a level of close to 12,000 nuclear warheads. A very much smaller, 1,000-warhead force would still be nearly as strong in nuclear power and deterrence as the nation's military strength. Some even weaken the nation's military strength. Some even weaken national security. Business Leaders for Sensible Priorities has developed suggestions for reducing the defense budget by 15%, or $40 billion yearly. To get a copy, call the number below or download it from our website.

Our children and grandchildren deserve to inherit a strong America, but one that is strong in education, health care, equality of opportunity, and quality of life, as well as military power.

[From the New York Times, July 30, 1999] Why Can't We Afford to Modernize Our Schools?

By Bob Chase

Nothing is more important for our country's future than a high quality education for America's children. Educators know that students learn best in safe and modern schools with the latest technology.

However, according to the U.S. General Accounting Office, America's public schools need $12 billion for repair and modernization. This is no surprise. The average student building in America is 50 years old.

Unfortunately, some in Congress are choosing to ignore this dire need. That puts our nation and our children at risk. Record student enrollment and the demands of a 21st Century workforce make investing in education a national imperative.

Other nations fund the education of their children at significantly higher levels than we do. Let's make our children's education our number one priority. Kids deserve a bigger slice of "pie" and they should get it. One future depends on it.


By Vice Admiral James Shanahan, U.S. Navy, ret.

Not every new weapon increases our nation's military strength. Some even weaken us. The F-22 fighter jet is just such a weapon.

So congratulations to the House of Representatives for voting last week to halt the F-22 program. The House got it right. America doesn't need this plane to maintain unchallenged air superiority.

There's a lot more waste in the Pentagon budget besides the $6 billion F-22. The same prudence the House showed scrapping that wasteful program should also be applied to other unnecessary weapons programs. An analysis by Lawrence Korb, assistant secretary of defense under President Reagan, shows how to trim the Pentagon budget 15%—about $40 billion annually—while maintaining the world's strongest armed forces.

To get a copy of Dr. Korb's report, call the number or go to the website listed below.

Having served 35 years in uniform through three wars, I know what America's strong. It's not just weapons. National security is also about investing in education and healthcare that make our people strong.

[From the New York Times, July 28, 1999] We Know About Helping Children Grow Up Healthy

By Marian Wright Edelman

Our nation's strength is in our people, and our "national security" should be measured by how we invest in our children.

Is it fair that the richest nation in the world has over 14 million children living in poverty and 3 million children without health insurance? Is it fair that one million children eligible for Head Start cannot get in, or that only about one child in ten receives child care assistance?

By curbing military spending, we can free up money for vital, unmet needs like providing health insurance for all uninsured children. For the cost of each F-22 jet fighter, we could provide child care spaces for 50,000 more children.

Health care and early education are crucial for children. New research shows that healthy children are more likely to stay in school, stay out of trouble, and get on the path to productive lives. Head Start and child care programs prepare children for school and help their parents work. At the same time Congress debates spending more money for new weapons, it will have a chance to vote on whether to invest more dollars in child care. I hope they make the right choice.

LA LECHE LEAGUE INTERNATIONAL

HON. KAREN McCARTHY
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to recognize La Leche League International (LLII), the World Alliance for Breastfeeding Week, and World Breastfeeding Month, August 1999, and World Breastfeeding Week, August 1–7, 1999. The theme for World Breastfeeding Week this year is Breastfeeding: Education for Life, sponsored by LLII and WABA. World Breastfeeding Week is part of WABA's ongoing campaign to increase public awareness of the importance of breastfeeding.

LLII is a founding member of WABA's global alliance of health care providers, non-governmental organizations, and mother support groups.

This week, all over the world, people will be participating in the "World Walk" for Breastfeeding, organized by La Leche League International, an international nonprofit organization that provides breastfeeding information and encouragement through mother-to-mother support groups and interactions with parents, physicians, researchers, and health care providers.

LLII reaches over 200,000 women monthly in 66 countries.

This year's World Walk for Breastfeeding will bring the ninth annual walk to community centers and universities across the nation. Greater Kansas City area will be participating through twelve local La Leche groups. The Walk is a fundraiser for LLII, and a portion of the money raised will stay with the local groups to fund their outreach and support activities.

Breastfeeding has been identified by the U.S. Surgeon General as a high priority objective for the year 2000, with the goal of increasing to at least 75 percent the proportion of mothers who breastfeed their infants in the early postpartum period and to at least 50 percent those who breastfeeding until the infant is six months of age. All available knowledge indicates that human milk optimally enhances the growth, development, and well being of the infant by providing the best possible nutrition, protection against specific infection and allergy, and the promotion of maternal and infant bonding. Further, breastfeeding is economical and promotes healthier mothers, and it benefits society through lower health care costs for infants, a healthier workforce, stronger family bonds, and less waste.

August 5 makes the ninth anniversary of the signing of the Innocenti Declaration on the Protections, Promotion, and Support of Breastfeeding which was adopted in 1990 by 32 governments and 10 United Nations Agencies. This Declaration states: AS a global goal for optimal maternal and child health and nutrition, and as women's right, all women should be enabled to practice exclusive breastfeeding and all infants should be fed exclusively on breast milk from birth to four to six months of age. Thereafter, children should continue to breastfeed while receiving appropriate and adequate complementary foods for up to two years of age or beyond. This child feeding ideal is to be achieved by creating an appropriate environment of awareness and support so that women can benefit in this manner.

Mr. Speaker, please join me in celebrating National Breastfeeding Month and World Breastfeeding Week, and let us lend our support to this global effort to nurture our infants and provide them with the best possible nutrition in the first months of their lives.

TRIBUTE TO INDIA'S INDEPENDENCE

HON. FRANK PALLONE, JR.
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. PALLONE. Mr. Speaker, I rise tonight to join with the people of India and the Indian-American community to celebrate India's Independence Day. The 52nd anniversary of India's Independence will actually occur on August 15th, while Congress is in recess, so I wanted to take this opportunity tonight, before we adjourn, to mark this important occasion before my colleagues in this House and the American people.

On August 15, 1947, the people of India finally gained their independence from Britain, following a long and determined struggle that
continues to inspire the world. In his stirring "midnight hour" speech, India’s first Prime Minister, Jawaharlal Nehru, set the tone for the newly established Republic, a Republic devoted to the principles of democracy and secularism. In more than half a century since then, India has stuck to the path of free and fair elections and political system and the orderly transfer of power from one government to its successor.

India continues to grapple with the challenges of delivering broad-based economic development to a large and growing population. Indeed, today’s New York Times reports that India’s population is expected to reach one billion in about 10 days. India has sought to provide full rights and representation to its many ethnic, religious and linguistic communities. And India seeks to be a force for stability and cooperation in the strategically vital South Asia region. In all of these respects, India stands out as a model for other Asian nations, and developing countries everywhere, to follow.

This year, we have seen that India faces serious challenges from outside forces intent on destabilizing the democracy that India’s founders dreamed of and that successive generations of Indians have worked to build. Armed militants, operating with the support of Pakistan, crossed over onto India’s side of the Line of Control in Kashmir. India’s armed forces responded to this incursion in a firm but restrained manner. At the same time, India has sought to resolve its differences with Pakistan in a peaceful way, through bipartisan negotiations.

Mr. Speaker, next month, India will once again demonstrate its commitment to democracy for all the world to see, as it conducts Parliamentary elections. As in past years, hundreds of millions of men and women from all across India—Hindus, Muslims, Buddhists, Jains, Christians—will cast ballots, choosing candidates representing a diverse array of political parties. I am confident that the elections will be free and fair, as they have been in past years. Whichever party will form the new government, I am confident that they will continue to build on the dream of India’s first Prime Minister Nehru to move forward on the path of representative democracy and economic development.

There is a rich tradition of shared values between the United States and India. We both proclaimed our independence from British colonialism. India derived key aspects of its Constitution, particularly the statement of Fundamental Rights, from our own Bill of Rights. It is well known that Dr. Martin Luther King derived many of his ideas of non-violent resistance to injustice from the teachings of Mahatma Gandhi. That commitment to the use of peaceful means to overthrow tyranny has been emulated by such diverse world leaders as Nelson Mandela and Lech Walesa.

Today, the National Capital Planning Commission here in Washington approved a small park with a memorial to Mahatma Gandhi across from the Indian Embassy on Massachusetts Avenue in Washington, D.C., known as Embassy Row. Last year, this House approved legislation co-sponsored by myself and the Gentleman from Florida, Mr. McCollum, authorizing the Government of India to establish the memorial. The proposed Gandhi Memorial will be a most worthy addition to the landscape of our nation’s capital, and it won’t cost the American taxpayers anything to construct it.

Another extremely important link between our two countries, a human link, is the more than one million Americans of Indian descent. I have the honor of representing a Congressional district in Central New Jersey with one of the largest Indian-American communities in the country. Increasingly, my colleagues in this House, Democrats and Republicans from all regions of the country, have indicated to me that their Indian-American constituents are playing increasingly prominent roles in all walks of life.

Another way in which India and America continue to grow closer is through increased economic ties. The historic market reforms begun in India at the beginning of this decade continue to move forward, offering unparalleled opportunities for trade, investment and joint partnerships—all of which include a human dimension of friendship and cooperation, in addition to the economic benefits for both societies.

Mr. Speaker, for more than a year, United States-India ties have been strained over the issue of nuclear testing, and the subsequent imposition of unilateral American sanctions against India. There is a growing bipartisan effort in Congress, and within the Administration, to lift these restrictions and to advance United States-India interests and have only served to set back the growing United States-India relationship.

Just this week, we witnessed a debate in this chamber as an amendment to the Foreign Operations Appropriations bill was proposed to cut aid to India, in a purely punitive gesture. The amendment was subsequently withdrawn, after one Member of Congress after another rose to oppose the amendment and to argue for a strengthened United States-India relationship.

Mr. Speaker, there are indications that President Clinton will visit India and other countries in the South Asia region early next year. It’s been 20 years since a United States President last visited India, so I think such a visit is long overdue. Just a few weeks ago, we Americans celebrated the Fourth of July. For a billion people in India, one-sixth of the human race, the 15th of August holds the same significance. I am proud to extend my congratulations to the people of India, and to express my appreciation for a 52nd anniversary of their independence.

RETIREEMENT OF CAPTAIN DAVID W. WALTON
HON. JOHN S. TANNER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. TANNER. Mr. Speaker, I rise to recognize the outstanding career of Captain David W. Walton and express my appreciation for his twenty-six years in the service of this great nation. Captain Walton, who last served as Director of Supply Corps Personnel, was awarded a number of decorations and commendations including the Legion of Merit (3), the Meritorious Service Medal (3), the Navy Commendation Medal (2) and the Navy Achievement Medal (2).

Again, Mr. Speaker, I am proud to extend my best wishes to Captain Walton. Captain Walton, may you always know the success you have enjoyed during your years in the United States Navy. On behalf of a grateful nation, thank you for your faithful service.
Mr. William Benjamin Ford and Mrs. Willie Mae Taylor Ford, native of Florida, moved to the Jersey Shore in the early 1930s. The Fords were pillars in Bethel AME Church and throughout the community for more than 25 years. Mr. Ford served as Pastor Steward, Class Leader, Lay Organizer for many years. He was an employee of the Asbury Park Press for 50 years. Mrs. Ford served Bethel as a Stewardess, Trustee, Missionsary, Class Leader, member of the Gospel Chorus and Senior Choir. She operated the Modernistic Beauty Shop in Asbury Park for over 25 years.

The Fords’ dedication to serving Bethel lasted throughout their lives, and it still lives through their son, Mr. Greeley Ford. In 1998, Mr. Greeley Ford, who attended Bethel Church as a child and young adult, deeded the property on Atkins Avenue that had been the Modernistic Beauty Shop. Incorporated in 1879, Bethel Church was one of the first churches in Asbury Park. According to the tradition related by the Church’s founders, the organization took place in 1869 under the direction of the Rev. John Cornish. The group had been holding services in a tent at what is now known as the 900 block of Lake Avenue when Mr. James A. Bradley, founder of Asbury’s permanent church home and deeded the land, at the southwest corner of Second Avenue and Main Street, in 1893. The congregation worshipped at this site until 1949. The property was sold to a car dealership, who soon demolished the landmark building. The new church home located at the corner of Langford Street and Cookman Avenue, was the former Sons of Israel Synagogue, also a landmark since 1883. Services were held here for the first time on March 6, 1949. The church was renovated in 1954 and again in 1990, while improvements have been made and new amenities have consistently been added throughout the years. In March 1997, the present minister, the Rev. John C. Justice, was appointed to Bethel. Pastor Justice’s leadership has seen a continued increase in the number of members of the Congregation and the Fellowship at Bethel.

Mr. Speaker, I am proud to join with the members of Bethel AME Church and the entire Asbury Park community in welcoming the Ford Center and saluting all those who helped make it a reality.

HONORING THE SAN ANTONIO COMMUNITY HOSPITAL OF UPLAND, CALIFORNIA ON ITS 75TH ANNIVERSARY

HON. GARY G. MILLER OF CALIFORNIA

Thursday, August 5, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to pay tribute to San Antonio Community Hospital of Upland, California which will be celebrating on August 14, 1999 its 75th year of providing comprehensive, quality health care. From its humble beginnings as a small community hospital in 1924, San Antonio has grown into a predominant health care leader in the Western Inland Empire in Southern California.

Today, nearly 2,000 professional, technical and service personnel at their 332-bed facility provide a wide array of medical services, while utilizing the very latest technologies. The 500 plus-member medical staff includes many of the region’s leading physicians and specialists who make San Antonio an exceptional hospital. In addition, San Antonio nurses have earned a reputation of compassion, re sponsiveness and professionalism who continue to meet strict educational and professional standards.

Over the years, San Antonio’s logo of a growing plant has become a familiar mark in the community conveying everything the hospital represents. In the hospital’s own words, the stalk and leaves express “a feeling of a living, growing organization, consistent with the life mending role the hospital plays. The sturdy central stem, symbolize the elements of the hospital’s structure—Trustees, Medical Staff, and Employees. The complete symbol recalls the cooperative efforts needed to accomplish the hospital’s primary goal of securing the patient’s well being.”

At a time when the nation’s top concern is achieving quality health care, San Antonio Community Hospital is a shining beacon of excellence in patient care, services, and facilities that respond to consumer and physician needs.

I know my colleagues join me in honoring San Antonio Community Hospital on their 75th Anniversary and wish them many more years of continued success.

FAREWELL TO CONGRESSMAN GEORGE BROWN

HON. CONSTANCE A. MORELLA OF MARYLAND

Thursday, August 5, 1999

Mrs. MORELLA. Mr. Speaker, those of us who served with George Brown are saddened at his passing for we have lost a colleague and friend, a true gentleman who was always honest and thoughtful.

George Brown was a benevolent, yet intense and resolute, advocate for science; a true supporter and friend to the entire scientific community, and a determined fighter for the public good.

He always felt passionately that science could be the basis for progress. George was convinced that the scientific advancements nurtured by Congress would lead to a better world for everyone. And that was his goal for all those many years.

He was consistently dedicated to openness and educating others about science. He was always eager to learn, and to share, the latest perspectives of science and technology.

His commitment to science always rose above partisanship. I know that George shared my satisfaction that the Science Committee has long been considered one of the most bipartisan in Congress. This is a testament to the respect that everyone had for George Brown, and his determined belief that advancing our Nation’s scientific research and development is a goal that is not bound by partisan politics.

And as we look up to see his portrait in the committee room, I am pleased that his vision and his legacy will live on among the committee.

I am grateful that I had time to serve with George. We worked together on a number of...
initiatives over the years, especially technology transfer and competitiveness issues. Once, we were preparing a special video to celebrate a landmark anniversary of an important science organization. George and I went down to the House Recording Studio to tape the video. Everything was all set up and ready to go so that we could go through its rapidly. Our remarks were even ready in the teleprompter. I worked quickly, and finished my segment in one take. However, George just couldn’t seem to get it right. Take after take after take, he kept messing up. What should have taken 10 minutes dragged on and on. Finally, after about an hour, we were interrupted by a vote. After the vote, George came back and was finally able to wrap-up the video, but this story underscored that George Brown had difficulty being scripted—in his life, in his political career, and in the way he operated on the Science Committee. George, with his foul cigar and rumpled suit, enjoyed ad libbing, sometimes being irreverent. He had an endearing personality that often came out—even in the most tense of moments.

I will miss George Brown. Science and our nation have lost a fair and just man, a true leader. But we will always remember him as we move forward towards the 21st century and a universe of new scientific advancement. I offer my condolences to his wife Marta Macias Brown and his family.

INTRODUCTION OF BILL TO AMEND CLEAR CREEK COUNTY, COLORADO PUBLIC LAND TRANSFER ACT

HON. MARK UDALL
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. UDALL of Colorado. Mr. Speaker, at the request of the Commissioners of Clear Creek County, I am today introducing a bill to amend the Clear Creek County, Colorado, Land Transfer Act of 1993.

The bill would amend section 5 of that Act so as to allow Clear Creek County additional time to determine the future disposition of about 6,000 acres of land that was transferred to the county under that section of the 1993 Act.

Under the 1993 Act, the county had 10 years within which to resolve questions related to rights-of-way, mining claims, and trespass situations on the lands covered by that section of the Act and then to decide which parcels to transfer and which to retain. Among other things, the county is working with the Colorado Division of Wildlife on a proposal that would result in some 2,000 acres being transferred to the Division of Wildlife for management as Bighorn Sheep habitat.

The County Commissioners have informed me that this process has taken longer than they anticipated, and that a 10-year extension of time would be helpful to a successful conclusion to this process. The bill I am introducing today responds to that request.
the NCA after January 1, 1999. If the Secretary withdraws the land, all lands and minerals within the NCA will be available for mineral leasing, under the Mineral Leasing Act. Language in the legislation specifies that the establishment of the NCA will not affect the value of subsurface mineral rights.

Mr. Speaker, the bill also requires the Secretary to implement forest restoration projects and provide alternative grazing allotments to permitees affected by restoration projects. The legislation places a three years time limit on the amount of time a restoration project may impact grazing allotment. Current methods used to control plant growth will continue to be permitted in the Shivwits NCA.

Mr. Speaker, as you know, water rights are a source of contention in the West, and I have ensured in my bill that existing water rights within the NCA are not affected by this designation and that no new water rights will be created.

The bill also places requirements on the Secretary to improve and maintain specified roads, within the NCA, as all-weather roads. The Secretary is also required to conduct a survey of the conservation area, noting all sites of archaeological, historical or scientific interest.

Mr. Speaker, the bill also initiates a framework necessary for local communities to develop the infrastructure to support this conservation area. This bill authorizes the Secretary to implement the recommendations contained in the April 1999 report of the Sonoran Institute. This report detailed three major goals that must be accomplished to ensure the long-term health of the local communities and the surrounding public lands. These three goals include building local and agency capacity for partnerships, building local entrepreneurial capacity and restoring landscape health through local efforts. Finally, this bill conveys to Colorado City, Arizona, Fredonia, Arizona, Mohave County Council, and the Kaibab Band of Pueblo Indians certain federal lands needed to handle the increased visitor ship of the Shivwits Plateau.

Mr. Speaker, I sincerely hope, in introducing this legislation, that we send a strong message to the Secretary of the Interior and the President, indicating Congress’ desire to work on a legislative proposal to address the needs of the Shivwits Plateau.

TRIBUTE TO AMALIA DIESTENFELD

HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to pay tribute to the inspiring matriarch of an American family. Amalia Distenfeld, Born in Lvov, Poland, in August 1919, came to this country in 1947, to start a new life. She and her husband, the late Dr. Menachem Distenfeld, were among a handful of survivors of two very extensive and well-known families that perished in the Holocaust.

Amalia is living testimony to her own courage and the possibilities of the American dream. Hard work, coupled with purpose, optimism and an unflagging dedication to family allowed her to see children, grandchildren, and great-grandchildren thrive in this country of freedom. She has dedicated her life to promoting educational and moral values that have helped guide and sustain her family.

The same tireless Amalia and Menachem to survive the nightmare of the Holocaust enabled this young couple to surmount the struggle of a new beginning in New York, devoid of resources, in a strange environment with three children. Amalia took in boarders, cooked and cleaned for them, while her husband learned the language of their new country, then studied and reestablished himself as a physician. Her strength, her faith in God and her refusal to be crushed by the past, allowed for a quick integration into American life. Amalia worked with Menachem in their Queens, New York, office to establish a medical practice whose hallmark was selfless public service to the community at large, including a great many fellow survivors. Unfortunately, just as life’s promises were being realized, she was left a young widow. Without her beloved Menachem, Amalia natural exuberance and steadfast commitment to family has sustained her over the last 33 years. She took on new challenges and careers of public service, first in the American Heart Association and then the American Lung Association, where she worked well into her late seventies.

Perhaps Amalia’s greatest joy is derived from the achievements of her children and grandchildren in areas of education, technology, law, medicine, and business. She cherishes her time with them as they do with her. Mr. Speaker, Amalia is a living lesson of courage, hope and optimism to all who know her. Her children’s fidelity to Amalia’s religious legacy and their appreciation for America’s blessings were learned at her knee.

I ask my colleagues in the United States Congress to join me in wishing Amalia Distenfeld good health and happiness on the occasion of her 80th birthday, with many wonderful and blessed years to come.

GENE WISNER

HON. GARY G. MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to honor Gene Wisner, who will be retiring from the Yorba Linda City Council in California. Mr. Wisner served on the City Council from January 3, 1983 to November 1992 and was elected again in November of 1994. He has twice served his community honorably as Mayor, as well as represented his city as Vice Chairman and Chairman of the Eastern/Foothill Transportation Corridor Agency; a member of the Budget & Finance Committee on the Transportation Corridor Agency; a members of the City Audit Committee; the League of California Cities; National Association of County Fire Authority; and the Orange County Sanitation District. He also served as city representative to the Yorba Linda Water District and the Yorba Linda Chamber of Commerce.

While serving as a member of the City Council, Gene Wisner worked toward many beneficial projects for Yorba Linda including the development of the Richard Nixon Library and Birthplace, an expansive city park system, city recreational facilities, the Community Center/Senior Citizen Facility, and the Casa Loma Field House. Mr. Wisner is to be congratulated for his service to the community, not only as a Council Member, but as an active supporter of community groups such as the Boy Scouts of America, the Y.M.C.A. and local youth sports programs.

It is with extreme pleasure that I wish the best for Mr. Wisner in his retirement from the Yorba Linda City Council.

CONGRATULATIONS VERA TRINCHERO TORRES

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. THOMPSON of California. Mr. Speaker, I rise today to express my sincere congratulations to a dear friend, Ms. Vera Trincher Torres, who has been named the 1999 Citizen of the Year by the St. Helena Chamber of Commerce.

A co-owner of the famous Sutter Home Winery and mother of two, Vera dedicates most of her free time to charitable work for the community of the Napa Valley. Although a New Yorker by birth, Vera moved to the Napa Valley at age ten and has been a resident of the area ever since. As a child, she and her older brother, Bob, helped out in the winery after school and on weekends. Vera worked on the bottling line and swept up, all the while looking after her little brother, Roger.

After graduating from St. Helena High School, Vera began a 24-year career as a legal secretary. In fact, I’m proud to say she was the mainstay in the law office of my uncle, former Judge Lowell Palmer. In 1979, as Sutter Home began its transformation from a small mom-and-pop operation to a large, modern winery, Vera took on the responsibility of running the office full-time.

Today, Vera oversees company profit sharing and pension plans for Sutter Home’s 450 employees and serves as the family-run corporation’s secretary. She also manages the company’s extensive charitable activities, which amount to several hundred thousand dollars each year. In addition, Vera is an active supporter of numerous local youth groups, including the St. Helena Boys and Girls Club.

In 1996, in recognition of her philanthropic efforts and service to the community, Vera was named, by me, Woman of the Year for the 2nd District of the California State Senate. The St. Helena Citizen of the Year Award is one more honor of many to come for this wonderful neighbor, great friend, and tremendous asset to our community.

Once again, I offer my congratulations to Vera and to her family.
I am pleased to join my distinguished colleague, Mr. Petroi, and Representatives Baldacci and Thune, in introducing the Rural Education Initiative. This legislation will provide smaller rural school districts across the country with the flexibility and funding they need to provide a quality education for our children.

A strong investment in the public education system is critical to our nation's future. In recent years, Congress has recognized that reality by increasing federal support for education. These increases have disproportionately channeled to larger school districts. Many small and rural school districts have simply fallen through the cracks. Small school districts, including many in North Dakota, have had to forgo federal dollars because they lack the personnel or the resources to apply for competitive grants. Also, due to low enrollment and a lack of special categories of students in these schools, single formula grants fail to provide sufficient revenue to fund any one significant project. As currently structured, these federal grant programs fail to meet the needs of rural school districts.

To address the unique circumstances of smaller rural schools, the Rural Education Initiative would allow school districts with fewer than 600 students to combine funds from four distinct federal programs to provide additional funds based on enrollment. In North Dakota, Bellfield Public School District, for example, which has an enrollment of 310 students, would receive a minimum grant of $50,000 under this legislation. By combining and increasing federal dollars to districts that are otherwise experiencing distress, this legislation would give school administrators the resources and flexibility they need to support local educational priorities.

Mr. Chairman, as Congress moves forward with the reauthorization of the Elementary and Secondary Education Act (ESEA), we can not overlook our small and rural school districts. Thirty-five percent of all school districts in the United States and 86 percent of school districts in North Dakota have fewer than 600 students, and are currently struggling to make ends meet. The Rural Education Initiative would take a strong step forward by leveling the playing field for rural school districts, and I urge my colleagues to support it.

I urge my colleagues to support it.

RURAL EDUCATION INITIATIVE

HON. EARL POMEROY
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. POMEROY. Mr. Speaker, I rise today in recognition of Thelma and Harry Zalewitz, who will be honored this weekend by the State of Israel Bonds with the Independent Issue Award for their contributions to the Jewish community in America over the last 50 years. Together they have served on a wide variety of committees, held countless leadership positions, and tirelessly advocated the importance of public service and “giving back” to the community.

Both Thelma and Harry Zalewitz were born in the United States to parents who had emigrated from Eastern Europe. Their families had settled in America with the hope of escaping persecution and reaching toward freedom and the ability to create a better life. They met in Paterson, NJ, and were married in 1946 after Harry returned from World War II. Ten years later, the couple moved with their three children to Verona, NJ, where they joined and immediately became involved in the Jewish Community Center of Verona. Within a short time, both Harry and Thelma were serving on the Synagogue’s Board and holding elected positions. Harry was chosen as Synagogue President and Thelma as Executive Secretary to the Board of Directors. Harry also held the position of co-chairman of the Verona-Cedar Grove campaign of the Jewish Federation. Over the years, the couple has actively participated in the development and growth of the Jewish Community Center of Concordia. Harry served as Vice President for the center, and lent his expertise as a member of the Board of the Jewish Federation of Greater Middlesex County. Their gratitude for the quality of life they have been privileged to experience has directed them to give both their time and resources to insure that same quality of life for all Jewish people.

Today, Harry and Thelma continue to lead their local Jewish community. Thelma currently serves the important role of writing the Yartzeits for the Jewish Congregation of Concordia, transposing the Hebrew dates to the Gregorian calendar dates. They also support the State of Israel through investment in the Israel Bonds campaign.

Thelma and Harry have willingly given themselves to the community. I urge my fellow representatives to join me in recognizing this exceptional couple.

RURAL EDUCATION INITIATIVE

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Thelma and Harry Zalewitz, who will be honored this weekend by the State of Israel Bonds with the Independent Issue Award for their contributions to the Jewish community in America over the last 50 years. Together they have served on a wide variety of committees, held countless leadership positions, and tirelessly advocated the importance of public service and “giving back” to the community.

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CLEVELAND CLINIC CHILDREN'S HOSPITAL FOR REHABILITATION

HON. STEPHEN TOBUSS JONES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mrs. JONES of Ohio. Mr. Speaker, I rise today in the House to support the renaming of Health Hill Hospital for Children to the Cleveland Clinic Children’s Hospital for Rehabilitation. In addition to being one of the best children’s hospitals in the world, Health Hill has provided medical services for special needs children since 1925.

Mr. Speaker, Health Hill Hospital has proven its commitment to providing the highest standards of medical services for all children. Cleveland Clinic Children’s Hospital for Rehabilitation is affiliated with the renowned Cleveland Clinic Foundation, ranked among the top hospitals in the nation by U.S. News and World Report’s annual guide to “America’s Best Hospitals.” It is exciting to see the resources of this prestigious hospital devoted to the care of children.

Again, I am honored to announce the Cleveland Clinic Children’s Hospital for Rehabilitation’s new designation, and commend the Foundation’s outstanding achievements throughout the past 78 years.

REMEMBERING AND HONORING THE SERVICE OF JAMES FARMER

HON. MAX SANDLIN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. SANDLIN. Mr. Speaker, I rise today to pay tribute to a recipient of the Presidential Medal of Honor, an honored American, and a true leader. When we think of the civil rights movement, certain names often come to mind. The names Martin Luther King, Rosa Parks are easy to remember, but I think of a man who was born in the town I call home: Marshall, Texas.

This man was a behind-the-scenes organizer. He was the last living member of the “Big Four” who shaped the civil rights movement in the mid 1950s and 1960s. He founded the Congress of Racial Equality in the 1940s. He organized countless demonstrations and sit-ins. He directed the Freedom Rides to desegregate interstate bus stations in the South in 1961. He served with the NAACP, the US Department of Health, Education and Welfare and taught at several colleges. He was awarded over 22 honorary doctorates, and in 1994, he earned the Presidential Medal of Freedom. This man was James Farmer.

Mr. Farmer was the son of a Methodist minister and professor of Theology at Wiley College. At 14, on a full scholarship, he went to Wiley College to study medicine only to find that he could not stand the sight of blood. Perhaps more in line with his calling, Mr. Farmer left medicine behind to study religion at Howard University, where he became acquainted with the civil disobedience methods employed by Gandhi. However, upon graduation, he found that he had no desire to minister in a
Mr. McCOLLUM. Mr. Speaker, today I am proud to bring to the attention of the Congress of the United States the Wekiva Wild and Scenic River Act of 1999. The 41.6-mile Wekiva River system is one of our most precious rivers across the country. It was not until he discovered that he couldn’t go anywhere as a black Jacobs and the other was the sophisticated "whites-only" drug store, and he wasn’t allowed to buy a soda, not social change. Given his young age he was sheltered from much of the racism that surrounded him. It wasn’t until he discovered that he couldn’t go wherever he wanted that he even realized he was black. At three years old, what he wanted was a bridge. "I lived in two worlds. One was the volatile and explosive one of the new black movement was that he saw himself as a bridge." At 79, Mr. Farmer finally received his "I have a dream" speech on the television.

Mr. Farmer recognized the potential in the situation and used it to persuade the administration to approve funds for the Head Start program in Southern States. His respect for others who thought he was abandoning the movement was that he saw himself as a bridge. "I lived in two worlds. One was the volatile and explosive one of the new black movement was that he saw himself as a bridge." At 79, Mr. Farmer finally received his "I have a dream" speech on the television.

The Florida Department of Environmental Protection, Wekiva River Aquatic Preserve; The Florida Department of Environment, Wekiva River GEOPark; The Florida Department of Ecosystem Planning and Coordination; The Florida Department of Agriculture and Community Affairs, Seminole State Forest; The Florida Audubon Society; The Friends of the Wekiva; The Lake County Water Authority; The Lake County Planning Department; The Orange County Parks and Recreation Department; The Seminole County Planning Department; The St. Johns River Management District; and The Florida Fish and Wildlife Conservation Commission.

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In the 104th Congress, legislation was signed into law to authorize a study of the Wekiva River by the Department of Interior to determine whether it is eligible and suitable for inclusion in the National Wild and Scenic Rivers System. The National Parks Service recommends the Wekiva River is a candidate for receiving this designation.

Mr. Farmer had many achievements of which to be proud. I consider it an honor to have been a part of the driving force behind his most recent accomplishment which occurred just last year. On January 15, 1998, President Clinton awarded James Farmer the Presidential Medal of Freedom, the highest civic honor the United States of America gives. For Mr. Farmer, it was the crowning moment on a rich past of activism and determination. "It’s a vindication, an acknowledgment of what he had accomplished." At 79, Mr. Farmer finally received his socal." Mr. Speaker, I rise to pay tribute to a long time friend, John Michael Hurley of my district. John passed from this life on June 10, 1999.

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HON. JOHN L. MICA
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999
Mr. MICA. Mr. Speaker, it is my honor to pay tribute to a neighbor, friend and young man who gave his life in service to his country. Brad Earnest, as he was affectionately called, died on August 2, 1999 in Florida.

Brad was critically injured in a helicopter crash as he served in the 10th Special Forces of the United States Army. In the nine years since that accident Brad remained in a coma. He is survived by his mother, Minna H. Earnest, who deserves the gratitude, great respect and deepest sympathy of every member of Congress and all Americans.

Not only did Minna Earnest lose her son she also sacrificed her husband to our nation when he was killed in Vietnam. What greater heartbreak could one family, one wife and mother endure for the sake of her country?

My last memories of Brad recall him proudly telling me of his Army assignment and his work in service to our country. Most of all we will miss his smile but always remember and celebrate the man who gave his life in service to his country.

Brad was a graduate of Winter Park High School in Winter Park, Florida. He attended Auburn University in Alabama where he was a member of Theta Chi Fraternity.

Brad was born in Portsmouth, Virginia on October 16, 1962 and will be laid to rest in Opelika, Alabama. I know the United States House of Representatives and every Member of Congress extend our deepest sympathy to Brad's mother, Minna H. Earnest, and to his brother, Bryan H. Earnest of Malinta, Florida, and to his paternal grandmother, Margaret Earnest of Opelika, Alabama.

HON. JOHN S. TANNER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999
Mr. TANNER. Mr. Speaker, first and foremost William H. "Bill" Collier is a gentleman who represents the finest traditions of public service and generosity that so many Tennesseans hold dear.

I was privileged to serve in the Tennessee state legislature with Rep. Bill Collier for four years from 1984 to 1988. For six years after I was elected to the U.S. House of Representatives, I represented several communities that also had the good fortune to be represented by Bill Collier during his service in the state legislature.

I encourage my colleagues to support and vote in favor of the Veterans' Millennium Health Care Act.

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999
Mr. FILNER. Mr. Speaker, and colleagues, I rise in support of the Veterans' Millennium Health Care Act. This bill improves the VA health care system in many ways—it will extend long term care and emergency care services—provide sexual trauma counseling—and will give the VA access to a portion, if funds are recovered from tobacco companies, to compromise for its costs of tobacco-related illnesses.

I am especially pleased that this legislation ensures that the Veterans Administration (VA) will work with licensed doctors of chiropractic care to develop a policy to provide veterans with access to chiropractic services. Even though chiropractic care is most widespread of the complementary approaches to medicine in the United States, serving roughly 27 million patients—even though Congress has recognized chiropractic care in the other areas of the federal health care system (Medicare, Medicaid, and federal workers compensation), VA has chosen not to accommodate chiropractic routinely available to veterans. This bill changes that!

As a Member representing a portion of San Diego County, I am also pleased that H.R. 2116 includes a biomedical research facility for the VA San Diego Healthcare System to accommodate current and pending research programs on diabetes, immunology, hypertension, Parkinson's Disease, AIDS, and memory.

I encourage my colleagues to support and vote in favor of the Veterans' Millennium Health Care Act.

HON. CHARLES W. "CHIP" PICKERING
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999
Mr. PICKERING. Mr. Speaker, I rise to pay tribute to Willie Morris—the great Mississippi writer who dedicated a lifetime to exploring what it means to be a Southerner, and showing what it means to be a friend. And today many friends and admirers are grieving over his death earlier this week.

Everyone who loved Willie and cared for his work understands what a terrible loss this is. In his own unique way, he touched countless souls with his emotional honesty and boisterous sense of humor. His perspective was a refreshing retreat from the culture of cynicism that plagues our society, and corrodes our democracy.

William Morris was an American original, and a Mississippi legend. And, the truth is, it's hard to imagine Mississippi without Willie Morris.

Willie grew up in Yazoo City, Mississippi, a small town on the edge of the Delta, and went on to study at the University of Texas, where he was awarded a Rhodes Scholarship.

At 32, he became the youngest editor-in-chief of Harper's magazine in New York City. In the 1960s he came back to his native Mississippi to teach writing at Ole Miss and to write books.

Willie Morris wrote about the little things that make small-town life special—like football games, dogs, and hole-in-the-wall restaurants. He also wrote about the big things—like faith, family and friendships.

But Willie never shied away from putting these heart-warming descriptions in the context of the South's racial history, or revealing the challenges of laying down its burden. He did this magnificently, I felt, in "The Courting of Marcus Dupree"—a story about how the outstanding high school football star helped breakdown long-held hostilities between whites and blacks in Philadelphia, Mississippi.

In this book and others, Willie acknowledged the progress made toward racial harmony in Mississippi and across America.

As someone who lived through the transition from the Old South to the New South, he had seen dramatic change in his homeland. But one way or another, he always found a way to say: "We must do better." Another favorite theme of Willie's was dogs. "Every little boy ought to have a dog," he once said. In My Dog Skip and North Toward Home, he told stories of the dogs he had loved and of the dogs he had lived life with. Many are so good they make you wish you had lived them yourself—like the time at age 12 when he taught his English Fox Terrier, Skip, how to drive a car.

"I would get the dog to prop himself against the steering wheel," he writes, "his black head peering out the windshield, while I crunched out of sight under the dashboard. Slowing the care to ten or fifteen, I would guide the steering wheel with my right hand while Skip, with his paws, kept it steady. As we drove by the Blue-Front Café, I could hear one of the (old) men shout: 'Look at that ol' dog drivin' a car!'" Willie Morris loved life and all things in it. And most of all, he loved making friends and encouraging others.

Several years ago, a young writer friend of mine from Texas sent Willie and after their meeting sent Willie an essay he had been working on. Days later my friend received his essay, with excellent edits, and a hand-written note from Willie that said: "You're a damn fine writer. Keep the faith, my friend!"

That letter now hangs framed, on my desk, which is great pride that I

H.R. 2116—VETERANS' MILLENNIUM
HEALTH CARE ACT

PRAISING STATE REPRESENTATIVE BILL COLLIER'S PUBLIC SERVICE

HON. JOHN S. TANNER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999
Mr. TANNER. Mr. Speaker, first and foremost William H. "Bill" Collier is a gentleman who represents the finest traditions of public service and generosity that so many Tennesseans hold dear.

I was privileged to serve in the Tennessee state legislature with Rep. Bill Collier for four years from 1984 to 1988. For six years after I was elected to the U.S. House of Representatives, I represented several communities that also had the good fortune to be represented by Bill Collier during his service in the state legislature.

I retired from the state legislature in 1994 after a distinguished career dedicated to public service on behalf of the people of Humphreys and Benton Counties.

Just last month, a section of Highway 70 in New Johnsonville was named for Bill Collier. That action was not only fitting, but also well-deserved for a man dedicated to public service. It doesn't hurt that the bypass at Waverly was built largely because of his perseverance.
And that’s not all that can be said about Bill. He is also one of the finest auctioneers Middle Tennessee has known.

Bill Collier, his wife, Patricia, their three children and two grandchildren are a tribute to the values we as Tennesseans consider so important and the things they have done have brought much credit to his home county.

An article published in the News-Democrat in Waverly under the headline “Collier Looks Back at His Career” is printed below in honor of Bill’s public service and dedication to his family.

[From the Waverly (TN) New Democrat, Jul 9, 1999]

**COLLIER LOOKS BACK AT HIS CAREER**

(By Grey Collier)

Work to become, not to acquire.

This quote by Elbert Hubbard in Monday’s Tennessean might be best exemplified by Humphreys County native William H. (Bill) Collier.

Collier, who last weekend was honored by having a section of the newly-widened Highway 70 in New Johnsonville named for him, has long worked for the good of his home county.

Collier promised to try and get the bypass in Waverly when he ran for the state representative in 1984.

“We got the first three phases in Waverly funded,” Collier said. “Then we realized we needed to get it through New Johnsonville.”

Upon entering his first term in the state legislature, Collier went to bat for the county immediately.

“I was in a meeting and an aide come to ask if he could do anything for us,” Collier said. “I told him I wanted an appointment with Gov. (Lamar) Alexander.”

At the time, there was a recession going on and Consolidated Aluminum had closed. “I told him about the shape Humphreys County was in and that we needed a bypass to bring business in,” Collier said.

“He told me I was the first freshman (new representative) who spoke with him so candidly and he was going to help me,” he said.

Soon after, Alexander made a visit to the county and plans were announced for the bypass.

“Our last conversation before (Alexander) left office was about the bypass,” Collier said. “He said, Bill, the money is in the budget for the bypass, don’t let anything happen to it.”

Collier was successful in getting on the transportation finance ways and means committee which was also a big help in getting the bypass financed and built.

“I John Bragg was the committee chairman and told me he had heard all he wanted to about ‘that bypass,’” Collier said. “I told him he would stop hearing about it when it was built.”

The completion of the bypass is one of Collier’s favorite accomplishments, but there are others as well.

He acquired a $500,000 grant for factory building in the Waverly Industrial Park and a $50,000 grant for a feasibility study of the state park in New Johnsonville.

“Those are the three things I am most proud of,” Collier said. “But I have to attribute all of my accomplishments to the good work that has been done by local leaders and other politicians—especially Sen. Ben. Riley Darnell.”

Collier did not run for reelection in 1994 due to health reasons. That ended his 10-year tenure in the legislature and a 22-year political career.

A Humphreys County native, Collier was born in the Big Richland community. He was employed with TVA for 10 years as an iron worker and foreman.

In 1957 he attended Reppert Auction School and began working part time as an auctioneer and real estate agent.

“I felt TVA and went full time as an auctioneer and real estate agent in 1960,” he said.

His office was located on Main Street. At that time there was only one other real estate office in Waverly. Over the years, he said, “I have not only conducted hundreds of auctions, but also took part in training a few.”

“Governor Buford Ellington appointed me to the auction commission over west and part of middle Tennessee for five years,” Collier said.

He was also an instructor for five years with the Nashville Auction School.

“I have five auctioneers at Collier Realty and have taken an active part in training all of them,” he said.

He worked alone for three years before Gene Trotter came in as an auctioneer and Shirley Rochelle as a real estate agent.

Nancy Toggler worked as Collier’s secretary for 20 years.

When he entered the legislature he took on Kenneth Dreaden as a partner so that he could devote more time to his political office.

In 1967, Collier married Patricia Fowkes Collier. They have three children, Greg Gunn of New Johnsonville, Harriett of Okeechobee, FL, and Daniel Collier of Waverly.

He has two grandchildren, Connor Gunn, 6, and Mallie Collier, 3.

These days you are most likely able to catch him at the office where he still goes daily. Otherwise, he is likely to be sitting on the front porch swing, sharing Diet Coke and peanuts with his granddaughter.

**IN RECOGNITION OF DEDICATED SERVICE BY MR. ROBERT TOBIAS**

**SPEECH OF HON. CONSTANCE A. MORELLA**

**OF MARYLAND**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, July 27, 1999**

Mrs. MORELLA. Mr. Speaker, I congratulate Robert Tobias on his outstanding service as President of the National President of the National Treasury Employees Union and wish him continued success as he engages in other professional challenges. I am proud to count Bob as myconstituent and I thank him for the assistance he has given me on behalf of federal employees.

During the past 31 years that he has spent with the NTEU, Bob has been an effective advocate of federal employees, working his way up from staff attorney, to general counsel, to executive vice president, and finally, in 1983, to National President. Over these 31 years, NTEU has grown from 20,000 members in one agency to 155,000 members in 22 agencies.

During his impressive career, Bob received numerous Presidential appointments and awards: President Bush appointed him to the Federal Employees Salary Council; and President Clinton appointed him to both the National Partnership Council and the Commission to Restructure the IRS.

Bob also has been at the forefront of recent government reform efforts through his membership in the National Commission on Re-structuring the IRS. The Commission’s work was the basis for the most far-reaching changes in the agency in nearly 50 years. Currently, he has been nominated to serve on the IRS Oversight Board and is awaiting Senate confirmation.

Bob’s leadership style is firm but fair, and he has proven to be the cutting edge of new developments in labor relations. I have worked personally with Bob on many issues, and often times we met with great success.

For example:

We collaborated on establishing the Fair Share formula, which prevented a large FEBHP monthly premium increase, thereby insulating federal employees and retirees from the full rise in health care premiums.

We worked to strike Medical Savings Accounts as an FEBHP option MSA’s would have resulted in “cherry picking,” and increased FEBHP premiums by siphoning off relatively healthy enrollees into catastrophic/MSA plans.

Bob’s expertise on these issues was invaluable.

A glimpse into some of his other accomplishments further illuminates the reasons why Bob is such a great source of information and expertise. Through collective bargaining, Bob reached important agreements regarding:

Quality of work life; developing the first national alternative work schedule; and child care facilities.

Bob was also instrumental in the Hatch Act reform, which allows federal employees to exercise their rights to participate in political activities.

Bob’s work does not stop with advocacy on behalf of the NTEU. All federal employees benefit from his efforts, at the bargaining table and in the courtroom. He has used litigation to protect federal employee rights in a number of landmark cases. For example:

Bob worked on a Supreme Court victory just this year that established the right of federal employees and their collective bargaining representatives to initiated midterm bargaining.

Bob successfully sued Presidents Nixon in 1975 and Reagan in 1981 to obtain back pay for federal employees; and

Bob achieved a federal court victory that gave federal employees the right to engage in informational picketing.

I wish Bob the best of luck in his teaching and writing endeavors. His recommendation for the next National President, NTEU Executive Vice President Colleen Kelly, has a tough act to follow. The wonderful stuff at NTEU will ease her transition, while Bob’s legacy will benefit federal employees for generations. I heartily thank Bob for his devotion and service to civil servants. Shakespeare could have had Bob Tobias in mind when he wrote in Henry VIII: “The force of his own merit makes his way.”

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000**

**SPEECH OF HON. RUSH D. HOLT**

**OF NEW JERSEY**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, August 4, 1999**

The House in Committee of the Whole House on the State of the Union had under
and 33,000 babies die each year in the U.S.
life.
importantly, they must have a healthy start at
ish in our society when they have a healthy

gress should reauthorize and fully fund the
ors and the National League of Cities support

violent crime is still six times higher
I disagree.
pat ourselves on the back and declare victory.
officer and some think this means that we can
COPS program. In that time, COPS has pro-
vided law enforcement agencies in my district
and across the nation with critical funding to
fight and prevent crime. In my district, commu-
nities in Hunterdon, Monmouth, Mercer, Mid-
diexis, and Somerset counties have received more
than $14 million to fund the addition of
390 officers to the beat.
The creation of the COPS program was a
breakthrough in law enforcement. By funding
additional officers, critical technologies, and
valuable training, COPS has been a catalyst for
the revolutionary shift to community polic-
COPS and community policing have put us
on the right track. Crime is at its lowest level
in more than a quarter of a century. Violent
crime is at a 27 year low, the murder rate is
lower than it has been in three decades. And
the police chiefs and sheriffs in my district
consistently tell me that we could have never
achieved this much without the additional of-
cers and technology funded under the COPS
program.
In May, COPS provided for the 100,000th
officer. I think this means that we can put
ourselves on the back and declare victory.
I disagree.
Crime is still too high. While we have made
progress, violent crime is still six times higher
than it was in 1962. And more than 18,000
people were murdered in the U.S. last year.
We can and must do more.
That is why I support continuing the COPS
program to add 30,000 to 50,000 more officers
to the street. Every major law enforcement
group, as well as the U.S. Conference of May-
ors and the National League of Cities support
this proposal.
Mr. Chairman, we cannot afford to play poli-
tics with the safety of our communities. Con-
gress should reauthorize and fully fund the
COPS program.

INTRODUCTION OF HEALTHY
START LEGISLATION
HON. ELIJAH E. CUMMINGS
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. CUMMINGS. Mr. Speaker, I rise today
to speak in support of our nation’s infants and
their mothers.
As a parent, I understand that children flour-
ish in our society when they have a healthy
environment to develop and learn. But most
importantly, they must have a healthy start at
life.
Sadly, however, four babies die each hour
and 33,000 babies each year in the U.S.
before they are a year old.
In 1992, 17 out of 1,000 babies born in my
home district of Baltimore City did not live to
see their first birthdays. In the most deprived
neighborhoods of our city, that rate was 20 out
of 1,000!
Poor women were effectively shut out of af-
dordable prenatal care and often had children
who were severely underweight or born with
birth defects that could have easily been pre-
vented through adequate medical treatment.

Healthy Start has been a successful compo-
nent to accomplishing these goals and should
be a permanent instrument in our efforts to
cultivate healthy children.
Let’s make a permanent difference in the
lives of our young children. We owe every
baby a healthy entrance into this world and
each deserves a healthy start!
I urge support of my Healthy Start legisla-
tion.

IN RECOGNITION OF LIEUTENANT
DOUG VERISSIMO
HON. JAMES P. MCGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999
Mr. MCGOVERN. Mr. Speaker, after World
War II, in order to continue public interest in
naval aviation, Admiral Chester Nimitz formed the
Blue Angels. In June 1946, this elite group
performed its first demonstration. The Blue
Angels have performed for over 322 million
people in the fifty-three years since that first
public flight. Their aerobatics, skill and preci-
sion have amazed and entertained people of
all ages. However, these pilots do much more
than just fly these supersonic planes. They
represent the Navy, the United States Armed
Forces and the entire nation at public func-
tions. They are role models to children and
adults, demonstrating the values of successful
people—teamwork, education, preparation and
respect.
I would especially like to commend Lieuten-
ant Doug Verissimo, a native of Massachu-
setts. Currently the #5 Lead Solo Pilot in the
Blue Angels, Lt. Verissimo’s commendation
and wings of gold in July 1989. He joined the
Blue Angels in October 1996. Two conti-
nents of mine—Mr. and Mrs. Carney Clary
of Holden, Massachusetts—met Lt. Verissimo
in 1997. Since that time, the Clarys have fol-
lowed Lt. Verissimo’s actions on the air-
field. This email message to Lt. Verissimo
summarizes the experience: “I admire your
ability not only to speak to children and
adults and his commitment to his unit,
but also his talent in talking to young
people about the benefits of a good education
and striving toward a dream. At this point,
I would like to enter into the record the
letter from the Clarys documenting the extraordi-
ary actions of Lt. Verissimo.
On August 21 and 22, Massachusetts will
once again welcome the Blue Angels as per-
formers. Lt. Verissimo will perform his naval
duties and will demonstrate the kind of role
model he is as he meets and greets the adoring
fans of the Blue Angels. I welcome the
Blue Angels to the Commonwealth, and I com-
ment Lt. Verissimo for his hard work and
dedication to the Blue Angels, the Navy and
America.

HOLDEN, MA,
January 24, 1999.
Congressman JAMES MCGOVERN,
House Office Building,
Washington, DC.
DEAR CONGRESSMAN MCGOVERN: Congratu-
lations on your re-election. I am writing you
this letter per your request after speaking
with you at the Worcester Airport on August
My name is Carney Clary. I reside in
Holden having been born and raised in the
Grafton Hill section of Worcester. I am mar-
rried to the former Sheila Haran (a relative of
Dan Foley) and are the parents of three chil-
dren and grandparents to four. I am a three
year veteran of the United States Navy serv-
ing in Korea from 1955-1956. For the past 35
years I have been employed as a Police Offi-
cer in the City of Worcester. I am an avid
award winning fan and after my own and our
own foreign military services. I am con-
sidered the guru of aircraft and their per-
formances by my colleagues and friends.
I spoke to you about a young Naval Avi-
ator from Falmouth, MA who currently flies
with the United States Naval Flight Demo-
stration Team “Blue Angels”, 1st Lt. Douglas
Verissimo, who last year was the
navigator and this year is flying the #6 op-
posing solo slot. Please bear with me while I
attempt to explain to you why I feel this
young aviator deserves the Navy Commenda-
tion Ribbon and Medal as well as nomination
to the next highest rank.
A Naval Reservist Chief Petty Officer, a
friend of the family, was on active duty serving
at the Plantation St. Naval facility in Worcester
made arrangements for my wife and I to partake
in a social brunch with the Blue Angels Pilots in
the Officer’s Club on Friday, June 7, 1996. Shortly
before this planned event the Commanding
Officer grounded the Blue Angels in what was
billed as “Final Farewell to Boston or the S.
Weymouth Naval Air Show.”
The time is now June 28 and 29th 1997. My
family attended the Airshow at Quonset
State Airport in N. Kingston, R.I. where
after the performance of the Blue Angels, the
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family attended the Airshow at Quonset
State Airport in N. Kingston, R.I. where
after the performance of the Blue Angels, the
pilots come to the spectator line and sign
autographs. On both these days I spoke with Lt. Verissimo finding him most professional and friendly.

In July, 1997, we vacationed in Brunswick, Me. at the Kittery Inn. The Blue Angels were also staying in this Inn. My wife and I were sitting in the coffee lounge when Lt. Verissimo entered with his colleagues. Space being at a minimum the Lt. asked if he could sit with us. I told him how we had seen him and spoken to him in R.I. and how he signed an autograph for my grandson. I went on to tell him I wanted I was about the failure of the Blue Angels to perform in S. Weymouth and with the commander grounding the unit and I thought this was a setback for Naval Aviation.

It was at this point that all the people present got to know Lt. Verissimo. He didn't stutter or stammer but went forward stating how the New Commanding Officer George Dom and the rest of the demo team went forward to bring the public the best ever display of aviation skills as expected by the taxpayer for the expenditure of the tax dollars. The remainder of the weekend we had breakfast in the same place in Lt. Verissimo introduced all of the people present and their accomplishments with the Blue Angels. Never once did he say I, but we, as a team. Lt. Verissimo told us how his mother was a Worcester and the main topic of his conversation was education and the importance of it. The Blue Angels left Brunswick and flew over the USS Constitution in port. Two weeks later Lt. Verissimo sent a beautiful picture of a flight display signed by all the members of the Blue Angels personalized to Mr. and Mrs. Clary with an enclosed note from himself.

On the 1st and 2nd of August, 1998, the Blue Angels were at Hancock Air Base. When their demonstration was complete Lt. Verissimo again approached the table where I was signing autographs. He did not see us immediately, and let me tell you, we saw a True American Professional in action. He spoke to all, the very young children, kneeling down to be at their level, the teenagers and adults, expressing the importance to the teenagers of continuing education, "what is your best subject? History, now work on making math your next best subject." "Make sure you make education number one." Education and team work. This was his focus. This was exhibited his skills as a fine Military Aviator whom the United States and the State of Massachusetts should be extremely proud to call one of their own.

If ever there was an individual most deserving of the Navy Commendation Ribbon & Medal and the nomination to the next highest rank for his performance as a professional Naval Aviator, dedication to country & service and education it is Lt. Douglas Verissimo.

Sincerely yours,

CARNEY T. CLARY.


Admiral NORD RYAN, Department of the Navy, Office of Legislative Affairs (RM SC760), Washington, D.C.

Dear Admiral Ryan:

Mr. and Mrs. Carney Clary, who contacted me regarding Lieutenant Doug Verissimo.

I am writing to you on behalf of Mr. and Mrs. Carney Clary, who contacted me regarding Lieutenant Doug Verissimo.

Mr. and Mrs. Clary praised Lt. Verissimo on behalf of Mr. and Mrs. Carney Clary, who contacted me regarding Lieutenant Doug Verissimo.

CERTIFIED NURSE MIDWIFERY SERVICES ACT OF 1999

HON. EDOLPHUS TOWNS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. TOWNS. Mr. Speaker, I rise today with my colleague, Mr. UPTON of Michigan, to reintroduce the Certified Nurse Midwifery Services Act.

There are approximately two million disabled women who are all of child bearing years that are not receiving "well woman" services, due to the fact that Medicare is a poor payer for these covered services. Last year, the Agency for Health Policy and Research (AHPFR) released a study stating that disabled women were not receiving their primary care services. A disproportionate number of disabled women who are covered by Medicare are currently being seen by Certified Nurse-Midwives (CNMs), who are duly equipped to handle the underserved population through the unique personal training of CNMs. Although, CNMs are sought to deliver these services Medicare currently reimburses a CNM in rural areas $14 for a typical well-woman visit, which could include: a pap smear, mammogram, and other pre-cancer screenings. The typical well-woman visit in fee for services cost average $50 per visit. CNMs administer the same tests and incur the same associated costs but receive only 65 percent of the physician fee schedule for these services. At this incredibly low rate of reimbursement, a CNM simply cannot survive.

Our bill, H.R. 2099, the Certified Nurse-Midwife Services and Reimbursement Act, or CNM act, as it is referred to by CNMs, increases the level of reimbursement to 95 percent of the physician fee schedule, which is the economic reality in the marketplace. Moreover, CNMs serve as faculty members of medical schools. For over 20 years, they have supervised and trained interns and residents. The bill guarantees reimbursement to CNMs who have been certified by an organization recognized by the Secretary, or has been certified by an organization recognized by the Secretary.

(2) The heading in section 1861(gg) of such Act (42 U.S.C. 1395gg(gg)) is amended to read "Certified Nurse-Midwife Services; Certified Midwife Services".

(b) CERTIFIED MIDWIFE SERVICE BENEFIT.—

(1) In paragraph (6), by striking "or" and inserting "and";

(2) in paragraph (6), by striking "65 percent" each place it appears and inserting "95 percent".

SEC. 2. MEDICARE PAYMENT FOR CERTIFIED NURSE-MIDWIFE AND MIDWIFE SERVICES.

(a) CERTIFIED MIDWIFE, CERTIFIED MIDWIFE SERVICES DEFINED.—(1) Section 1861(gg) of the Social Security Act (42 U.S.C. 1395gg(gg)) is amended by adding at the end the following new paragraph:

"(3) The term `certified midwife services' means such services furnished by a certified midwife as defined in paragraph (4) and such services and supplies furnished as an incident to the certified midwife's service which the certified midwife is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) as would otherwise be payable under this title if furnished by a physician or an incident to a physician's service.

(4) The term `certified midwife' means an individual who has successfully completed a bachelor's degree from an accredited educational institution and a program of study and clinical experience meeting guidelines prescribed by the Secretary, or has been certified by an organization recognized by the Secretary.".

(2) The heading in section 1861(gg) of such Act (42 U.S.C. 1395gg(gg)) is amended to read "Certified Nurse-Midwife Services; Certified Midwife Services".

SEC. 3. MEDICARE PAYMENT FOR CERTIFIED NURSE-MIDWIFE AND MIDWIFE SERVICES.

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(b) CERTIFIED MIDWIFE SERVICE BENEFIT.—

(1) In paragraph (6), by striking "or" and inserting "and";

(2) in paragraph (6), by striking "65 percent" each place it appears and inserting "95 percent".
(B) by inserting before the period the following: ``(G) in the case of certified nurse-midwife services or certified midwife services furnished under section 1861(s)(2)(L) of such Act (42 U.S.C. 1395k(a)(2)(L)), payment may be made by the Secretary or accredited by an organization recognized by the Secretary for purposes of accrediting freestanding birth centers, for delivery and pre-delivery visits, such amounts adjusted to allow for regional variations in labor costs; except that (I) such estimate shall not include payments for diagnostic tests, drugs, or the cost associated with the transfer of a patient to the hospital or the physician whether or not separate payments were made under this title for such tests, drugs, or transfers, and (II) such amount shall be updated by applying the single conversion factor for 1998 under section 1848(d)(1)(C).''

(ii) by adding at the end the following new subparagraphs:

``(E) the term `freestanding birth center services' means items and services furnished by a freestanding birth center (as defined in paragraph (6)) and such items and services furnished in an incident to the freestanding birth center's service as would otherwise be covered if furnished by a physician or as an incident to a physician's service.

``(F) by adding the following to paragraph (7):

``(8) the term `freestanding birth center means a facility, institution, or site that is a hospital or a teaching program approved as specified in section 1882(b)(6) but which does not meet the conditions described in section 1881(b)(8), the paragraphs (A) through (C) shall apply with respect to a certified nurse-midwife or a certified midwife respectively in the freestanding birth center as they apply to a physician under subparagraphs (A) through (C).''

(B) Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out the amendments made by subparagraph (A).

SEC. 3. MEDICARE PAYMENT FOR FREESTANDING BIRTH CENTER SERVICES.

(a) FREESTANDING BIRTH CENTER SERVICES.

(FREESTANDING BIRTH CENTER DEFINED.—(1) IN GENERAL.—Section 1861(s)(2)(L) of such Act (42 U.S.C. 1395k(a)(2)(L)), as amended in section 2(b)(4), is further amended by inserting `freestanding birth center services,' after `certified midwife services,'.

(2) AMOUNT OF PAYMENT.—Section 1833(a)(1) of such Act (42 U.S.C. 1395ll(a)(1)) is amended by inserting `and (ii)' after `section 1861(b)(7),''; and

(iii) adding at the end the following new subparagraphs:

``(E) in the case of certified nurse-midwife services or certified midwife services furnished in a hospital or a freestanding birth center, a program approved under subparagraph (B), or a program approved under subparagraph (C) by the Secretary for purposes of accrediting freestanding birth centers, for delivery and pre-delivery visits, such amounts adjusted to allow for regional variations in labor costs; except that (I) such estimate shall not include payments for diagnostic tests, drugs, or the cost associated with the transfer of a patient to the hospital or the physician whether or not separate payments were made under this title for such tests, drugs, or transfers, and (II) such amount shall be updated by applying the single conversion factor for 1998 under section 1848(d)(1)(C).''

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

SPEECH OF
HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, August 2, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment offered by Representative BURTON. This amendment terminates United States bilateral aid to India for human rights reasons.

The Burton amendment is wrong on several fronts. In the wake of the recent Pakistani incursion across the line of control, the U.S. and India have a new opportunity to build a broad-based relationship. Instead of applauding India for the admirable restraint shown in the recent Kashmir crisis, this amendment would punish India by cutting humanitarian assistance.

India has a strong and vibrant democracy. Despite the relative youth of this democracy it features an independent judiciary, free press and political parties. The Indian press has been at the forefront in investigating human rights violations.

In the past month's, most Indian elections will exercise one of the greatest hallmarks of democracy, the right to vote. In the world's largest exercise of democracy, more than 250 million people will vote and more than 100 national regional parties will participate in this national election for India.

The best way we can influence our democratic allies is to continue our nation to nation dialogue. Punitive damages will only serve to hinder the progress that has been made in the relations between the United States and India. During the past month, most Indian elections has resulted in an increased dialogue on nuclear nonproliferation, a firmer understanding of Southeast Asia security concerns, and an increase in constructive trade between our two nations. And we must encourage India and Pakistan to seek peaceful solutions.

A "yes" vote on the Burton amendment would send the wrong message at the wrong time. We do not want to be responsible for undercutting peace and stability in the region. I respectfully ask my colleagues to vote "no" on the Burton amendment and let us continue the dialogue with India.

Title II—First Inventor Defense

Generally. Title II strikes an equitable balance between the interests of U.S. inventors who have invented and commercialized business methods and processes, many of which until recently were thought not to be patentable, and U.S. or foreign inventors who later invented the same methods and processes. The title creates a defense for inventors who have reduced an invention to practice in the U.S. at least one year before the patent filing date of the invention. Title II typically does not commercially use the invention in the U.S. before the filing date. A party entitled to the high marks for its significant improvement. The report praised India for its substantial progress and for its Independent National Human Rights Commission. Despite the continued dispute over the future of Kashmir, India continues to allow the International Committee of the Red Cross to visit prisoners in Kashmir.
defense must not have derived the invention from the patent owner. The bill protects the patent owner by providing that the establishment of the defense by such an inventor or entrepreneur does not invalidate the patent.

The title clarifies the interface between two key areas of intellectual property law—patents and trade secrets. Patent law serves the public interest by encouraging innovation and investment in new technology, and many businesses use patents to provide a right to exclude others from an invention in return for the inventor making a public disclosure of the invention. Trade secret law, however, seeks to protect investments in new technology by providing methods and processes used internally are now "useful, concrete, and tangible result." in doing business are patentable, has added to protecting investments in new technology. Trade secrets have taken on a new importance with an increase in the ability to patent all business methods and processes. It would be administratively and economically impossible to expect any inventor to apply for a patent on all methods and processes now deemed patentable. In order to protect inventors and to encourage proper disclosure, this title focuses on methods for doing and conducting business, including methods used in internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, in the form of services, or in the form of some other useful results; for example, results produced through the manipulation of data or other inputs to produce a useful result.

The earlier-inventor defense is important to many small and large businesses, including financial services, software companies, and manufacturing firms—any business that relies on innovative business processes and methods. The 1986 opinion by the U.S. Court of Appeals for the Federal Circuit in State Street Bank and Trust Co. v. Signature Financial Group, 1 which held that methods of doing business are patentable, has added to the urgency of the issue. As the Court noted, the reference to the business method exception had been improperly applied to a wide variety of processes, blurring the essential question of whether the invention produced a "useful, concrete, and tangible result." in the wake of State Street, thousands of methods and processes used internally are now being offered for patent, even methods that developed and used such methods and processes thought secrecy was the only protection available. Under established law, any of these methods, whether or not commercially used—public or secret—for more than one year cannot be the subject of a valid U.S. patent.

Sec. 201. Short title. Title II may be cited as the "First to Invent Act."

Sec. 202. Defense to patent infringement based on earlier inventor. In establishing an earlier-inventor defense, subsection (a) of § 202 creates a new §273 of the Patent Act, which in subsection (a) sets forth the following definitions:

(1) method means any method for doing or conducting business such as a preliminary or intermediate manufacturing procedure, which contributes to the effectiveness of the business by producing a useful end result for the internal operation of the business or for external sale. Commercial use does not require the subject matter at issue to be accessible to or otherwise known to the public.

Subject matter that must undergo a pre-marketing regulatory review period during which the invention was invented before the date a commercial marketing or use is considered to be commercially used and in commercial use during the regulatory review period.

The issuance of a method is to be determined based on its underlying nature and not on the technicality of the form of the claims in the patent. For example, a method for conducting business that has been claimed in a patent as a programmed machine, as in the State Street case, is a method for purposes of §273 if the invention is claimed to be a method. Form should not rule substance.

Subsection (b)(1) of proposed §273 establishes a general defense against infringement under §271 of the Patent Act. Specifically, a person will not be held liable with respect to any subject matter that would otherwise infringe or contribute to a claim if the person:

(1) acting in good faith, actually reduced to practice the subject matter to practice at least one year before the effective filing date of the patent; and

(2) commercially used the subject matter before the effective filing date of the patent for which the defense is asserted.

The first inventor defense is not limited to methods in any particular industry such as the financial services industry, but applies to any method for doing or conducting business to which the defense relates. When the defense has been transferred along with the enterprise or line of business to which it relates as permitted by subsection (b)(6), subsection (b)(7) limits the sites for which the defense may be asserted.

Specifically, when the enterprise or line of business to which the defense relates has been transferred, the defense may be asserted only for sites at those sites where the subject matter was used before the earlier patent filing date or the date of transfer of the enterprise or line of business.

Subsection (b)(8) states that a person who fails to demonstrate a reasonable basis for asserting the defense may be held liable for attorneys' fees under §285 of the Patent Act.

Subsection (b)(9) specifies that the successful assertion of the defense does not mean that the affected patent is invalid. Paragraph (9) eliminates a point of uncertainty under current law, and strikes a balance between the rights of an inventor who obtains a patent after another inventor has taken the steps to qualify for a prior use defense. The bill provides that the commercial use of a subject matter that infringes the patent's filing date by, an individual or entity that can establish a §273 defense, does not invalidate the patent. For example, under current law, allegations of widespread infringement are often litigated before a patent is issued. A reason for this has been litigated, a party who commercially used an invention in secrecy before the patent filing date and who also invented the subject matter before the patent owner's invention may argue that the patent is invalid under §102(g) of the Patent Act. Arguably, commercial use of an invention in secrecy is not within the meaning of §102(g), and therefore the party's earlier invention could invalidate the patent.

Sec. 223. Effective date and applicability. The effective date for Title II is the date of enactment, except that the title does not apply to any infringement action pending on the date of enactment or to any subject matter for which an adjudication of infringement, including a consent judgment, has been made before the date of enactment.

TITLE V—PATENT LITIGATION REDUCTION ACT

Generally, Title V is intended to reduce expensive patent litigation.
courts by giving third-party requesters, in addition to the existing ex parte reexamination in Chapter 30 of title 35, the option of inter partes reexamination proceedings in the PTO. Legislation for inter partes reexamination codifies ex parte reexamination of patents in the PTO in 1980, but such reexamination has been used infrequently since a third party who requests reexamination can be discouraged from use reexamination by giving them an opportunity to argue their case for patent invalidity in the PTO. Title V provides that optional inter partes reexamination procedures may be used to resolve issues in patent law in Chapter 30 of the Patent Act by a determination of the PTO. Proposals have been made to give third-party examiners the authority and responsibility to determine, during such reexamination, whether a novel question affecting patentability in any inter partes reexamination request can be resolved. A third-party requester is entitled to a party's determination that the reexamined patent claim is invalid. The PTO Director may order an inter partes reexamination, except with respect to a reexamination request, any document filed by either the patent owner or the third-party requester asserts patent invalidity in a civil action in U.S. district court. No proposed amended or new claim enlarging the scope of the claims will be allowed. Proposed §314 elaborates on procedure with regard to third-party requesters who, for the first time, are given the option to participate in inter partes reexamination proceedings. With the exception of the inter partes reexamination request, any document filed by either the patent owner or the third-party requester shall be served on the other parties. In addition, the third-party requester in an inter partes reexamination shall receive a copy of any communication sent by the PTO to the patent owner or the third-party requester. The third-party requester shall have one opportunity to file written comments on issues raised by the PTO or raised in the patent owner’s response. Unless ordered by the Director for good cause, the agency must act in an inter partes reexamination matter with special dispatch. Proposed §315 prescribes the procedures for appeal of an adverse PTO decision by the patent owner or any third-party requester in an inter partes reexamination. Both the patent owner and the third-party requester are entitled to appeal to the PTO Board of Patent Appeals and Interferences. The patentee is not entitled to the alternative of an appeal by the other to the Board of Patent Appeals and Interferences. The patentee is not entitled to the alternative of an appeal to any of the parties in interest and, if so authorized by the Director, may appeal final adverse decisions from a primary examiner to the U.S. District Court for the District of Columbia. Such appeals are taken from inter partes reexamination proceedings under existing law and its removal should speed up the process.

To deter unnecessary litigation, proposed §315 imposes constraints on the third-party requester. In general, a third-party requester who is granted inter partes reexamination by the PTO may not assert at a later time in any civil action in U.S. district court the invalidity of any claim finally determined to be patentable on any ground that the third-party requester raised or could have raised during the inter partes reexamination. However, the third-party requester may assert invalidity based on newly discovered prior art unavailable at the time of the reexamination. Prior art was unavailable at the time of the reexamination if it was not known to the individuals who were involved in the reexamination proceeding on behalf of the third-party requester and the PTO. Proposed §316 provides for the Director to issue and publish certificates canceling unpatentable claims, confirming patentable claims, and issuing a proposed amended or new claim determined to be patentable in an inter partes procedure. Title V creates a new §317 which sets forth certain conditions by which a third party requester inter partes reexamination is prohibited to guard against the confusion associated with a possible claim for reexamination.

date of enactment and shall apply to all inter partes reexamination requests filed on or after such date.

**TITLE VI—PATENT AND TRADEMARK OFFICE**

Generally, the Patent and Trademark Office (PTO) is an agency of the United States within the Department of Commerce. The Secretary of Commerce gives policy direction to the agency, but the agency itself is responsible for the management and administration of operations and has independent control of budget allocations and expenditures, personnel decisions and processes, and procurement. The Commissioner of the Office will conduct its patent and trademark operations without micromanagement by Department of Commerce officials, except with the concurrence of the PTO's policy guidance of the Secretary. The agency is headed by an Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, a Deputy, and a Commissioner of Patents and a Commissioner of Trademarks. The agency is exempt from government-wide personnel ceilings. A patent public advisory committee and a trademark public advisory committee are established to advise the Director on agency policies, goals, performance, expenditures, personnel decisions and processes, and other administrative and management functions. Patent operations and trademark operations are to be treated as separate operating units within the Office.

The PTO shall maintain its principal office in the metropolitan Washington, D.C., area, for the service of process and papers and for the purpose of discharging its functions. For purposes of venue in civil actions, the agency is deemed to be a resident of the district in which its principal office is located, except where otherwise provided by law. The PTO is also permitted to establish satellite offices in such other places in the United States as it considers necessary and appropriate to conduct business.

**Sec. 612. Powers and duties.** Subject to the policy direction of the Secretary of Commerce, in general the PTO will be responsible for granting and issuing patents, the registration of trademarks, and the dissemination of patent and trademark information to the public.

The PTO will also possess specific powers, which include:

1. (a) a requirement to adopt and use an Office seal for judicial notice purposes and for authenticating patents, trademark certificates and papers issued by the Office;
2. (b) the authority to establish regulations, not inconsistent with law, that are in the public interest.

**(F) provide for the development of a performance-based process for managing that includes quantitative and qualitative measures, standards for evaluating cost-effectiveness, and considerations with principles of impartiality and competitiveness;

3. (a) the authority to acquire, construct, purchase, lease, hold, manage, operate, improve, expand, and maintain real or mixed property as it considers necessary to discharge its functions;

4. (a) the authority to make purchases of property, including real property and personal property, in accordance with any applicable federal laws which govern such proceedings;

5. (a) the authority to use services, equipment, personnel, facilities and equipment of other federal entities, with their consent and on a reimbursable basis;

6. (a) the authority to use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities or personnel of any State or local government agency or foreign patent or trademark office or international organization to perform functions on its behalf;

7. (a) the authority to retain and use all of its revenues and receipts;

8. (a) the authority to advise the President, through the Secretary of Commerce, on national and certain international intellectual property policies;

9. (a) the authority to advise Federal departments and agencies of intellectual property policy in the United States and intellectual property protection abroad;

10. (a) the authority to provide guidance regarding proposals offered by agencies to assist foreign governments and international intergovernmental organizations on matters of intellectual property protection;

11. (a) the authority to conduct programs, studies of exchanges regarding domestic or international intellectual property law and the effectiveness of intellectual property protection domestically and abroad;

12. (a) a requirement to advise the Secretary of Commerce on any programs and studies relating to intellectual property policy that the PTO may conduct or is authorized to conduct, cooperatively with foreign intellectual property programs or international intergovernmental organizations;

13. (a) the authority to (A) coordinate with the Department of State in conducting programs and studies cooperatively with foreign intellectual property offices and international intergovernmental organizations, and (B) transfer, with the concurrence of the Secretary of State, up to $100,000 in any year to the Department of State to pay an international intergovernmental organization for studies and programs advancing international cooperation concerning patents, trademarks, and other matters.

The specific powers set forth in new subsection (b) are clarified in new subsection (c), which describes the conditions for using such funds. The provisions of paragraph (4)(B) are additional to other payments or contributions and are not subject to any limitation imposed by law. Nothing in subsection (b) is to be construed to preclude the Secretary of the United States Trade Representative as set forth in § 141 of the Trade Act of 1974, or derogates from the duties and responsibilities of the Librarian of Congress with respect to copyright. The Director is required to consult with the Administrator of General Services when exercising authority under paragraph (b) and may be reappointed to new terms by the President. The Director shall consult with the Senate with the Public Advisory Committees, infra, on a regular basis regarding operations of the agency and before submitting budgetary proposals and fee or regulation changes, the Director shall take an oath of office. The President may remove the Director from office, but must provide notification to both houses of Congress.

The Secretary of Commerce, upon nomination of the director, shall appoint a Deputy Director to act in the capacity of the Director if the Director is absent or incapacitated. The Secretary of Commerce may also appoint two Commissioners, one for Patents, and the other for Trademarks, respectively. In addition to receiving a basic rate of compensation under the Senior Executive Service and a locality payment, the Commissioners may receive bonuses up to 50 percent of their annual basic rate of compensation, not to exceed the salary of the Vice President, based on a performance evaluation by the Secretary, acting through the Director. The Secretary may remove Commissioners for misconduct or unsatisfactory performance.

The Director may also appoint other officers, agents, and employees as she sees fit, and fix their respective rates of compensation.

**SUBTITLE A—UNITED STATES PATENT AND TRADEMARK OFFICE**

**Sec. 611. Establishment of Patent and Trademark Office.** Section 611 establishes the PTO as an agency of the United States Department of Commerce and under the policy direction of the Secretary of Commerce. The PTO is explicitly responsible for decisions and the management and administration of its operations and has independent control of budget allocations and expenditures, personnel decisions and processes, and other administrative and management functions. Patent operations and trademark operations are to be treated as separate operating units within the Office.

The PTO shall maintain its principal office in the metropolitan Washington, D.C., area, for the service of process and papers and for the purpose of discharging its functions. For purposes of venue in civil actions, the agency is deemed to be a resident of the district in which its principal office is located, except where otherwise provided by law. The PTO is also permitted to establish satellite offices in such other places in the United States as it considers necessary and appropriate to conduct business.

**Sec. 612. Powers and duties.** Subject to the policy direction of the Secretary of Commerce, in general the PTO will be responsible for granting and issuing patents, the registration of trademarks, and the dissemination of patent and trademark information to the public.

The PTO will also possess specific powers, which include:

1. (a) a requirement to adopt and use an Office seal for judicial notice purposes and for authenticating patents, trademark certificates and papers issued by the Office;
2. (a) the authority to establish regulations, not inconsistent with law, that are in the public interest.

The specific powers set forth in new subsection (b) are clarified in new subsection (c), which describes the conditions for using such funds. The provisions of paragraph (4)(B) are additional to other payments or contributions and are not subject to any limitation imposed by law. Nothing in subsection (b) is to be construed to preclude the Secretary of the United States Trade Representative as set forth in § 141 of the Trade Act of 1974, or derogates from the duties and responsibilities of the Librarian of Congress with respect to copyright. The Director is required to consult with the Administrator of General Services when exercising authority under paragraph (b) and may be reappointed to new terms by the President. The Director shall consult with the Senate with the Public Advisory Committees, infra, on a regular basis regarding operations of the agency and before submitting budgetary proposals and fee or regulation changes, the Director shall take an oath of office. The President may remove the Director from office, but must provide notification to both houses of Congress.

The Secretary of Commerce, upon nomination of the director, shall appoint a Deputy Director to act in the capacity of the Director if the Director is absent or incapacitated. The Secretary of Commerce may also appoint two Commissioners, one for Patents, and the other for Trademarks, respectively. In addition to receiving a basic rate of compensation under the Senior Executive Service and a locality payment, the Commissioners may receive bonuses up to 50 percent of their annual basic rate of compensation, not to exceed the salary of the Vice President, based on a performance evaluation by the Secretary, acting through the Director. The Secretary may remove Commissioners for misconduct or unsatisfactory performance.

The Director may also appoint other officers, agents, and employees as she sees fit, and fix their respective rates of compensation.

The PTO is charged with developing and submitting to Congress a proposal for an incentive program to retain senior (of the primary examiner grade or higher) patent and trademark examiners eligible for retirement for the sole purpose of training patent and trademark examiners.

The PTO will be subject to all provisions of title 5 of the U.S. Code governing federal employees. All relevant labor agreements which are in effect the day before enactment of title VI shall be adopted by the agency. All patent and trademark employees as of the effective date of Title VI shall remain officers and employees of the agency without a break in service. Other personnel of the Department of Commerce shall be transferred to the PTO only if necessary to carry out purposes of title VI of this title, and if a major function of their work is reimbursed by fees of the PTO. Salaried employees of the PTO who qualify for the extended retirement program under the provisions of title VI shall remain officers and employees of the agency without a break in service. Other personnel of the Department of Commerce shall be transferred to the PTO only if necessary to carry out purposes of title VI of this title, and if a major function of their work is reimbursed by fees of the PTO. Salaried employees of the PTO who qualify for the extended retirement program under the provisions of title VI shall remain officers and employees of the agency without a break in service.
On or after the effective date of the Act, the President shall appoint an individual to serve as a Director until a Director qualifies under subsection (a). The persons serving as the Director of the PTO and the Assistant Commissioner for Trademarks on the day before the effective date of the Act may serve as the Commissioner for Patents and the Assistant Commissioner for Trademarks, respectively, until a respective Commissioner is appointed under subsection (b)(2).

Sec. 614. Public Advisory Committees. Section 615 provides that a Committee established under this Act which establishes a Patent Public Advisory Committee and a Trademark Public Advisory Committee. Each Committee has nine voting members who are appointed by and serving at the pleasure of the Secretary of Commerce. Initial appointments will be made within three months of the effective date of the Act; and three of the initial appointees will receive one-year terms, three will receive two-year terms, and three will receive full terms. Vacancies will be filled within three months. The Secretary will also designate chairpersons for three-year terms.

The members of the Committees will be U.S. citizens and will be chosen to represent the interests of users. The Patent Public Advisory Committee shall have members who represent small and large entity applicants in the United States in proportion to the number of applications filed by the small and large entity applicants. In no case shall the small entity applicants be represented by less than 25 percent of the members of the Patent Public Advisory Committee, at least one of whom shall be an independent inventor. The members of both Committees shall include individuals with substantial background and achievement in finance, management, labor relations, science, technology, and office automation. The patent and trademark governed in large entity applicants. In no case shall the small entity applicants be represented by less than 25 percent of the members of the Patent Public Advisory Committee, at least one of whom shall be an independent inventor. The members of both Committees shall include individuals with substantial background and achievement in finance, management, labor relations, science, technology, and office automation. The patent and trademark governed in large entity applicants.

Sec. 615. Patent and Trademark Office fund. Section 616 provides that the fee schedules established by the Commissioner for Trademarks and the administrative patent judges shall be open to the public unless by a majority vote of the Board. The Director shall be open to the public unless by a majority vote of the Board. The Director shall make the Board public unless by a majority vote of the Board. The Director shall make the Board public unless by a majority vote of the Board.

Sec. 617. Trademark Trial and Appeal Board. Section 617 amends §17 of the Trademark Act which establishes a Trademark Trial and Appeal Board. The Board shall consist of members designated by the Commissioner. The Board shall have jurisdiction to review decisions and orders of the Commissioner.

Sec. 618. Board of Patent Appeals and Interferences. Under existing §7 of the Patent Act, the Commissioner, Deputy Commissioner, Assistant Commissioner, and the examiners-in-chief constitute the Board of Patent Appeals and Interferences. Pursuant to §605 of Title VI, the Board is comprised of three members designated by the Commissioner for Trademarks, and the administrative patent judges. In addition, the existing statute allows each appellant a hearing before before the Board which is designated by the Commissioner. Section 618 empowers the Director with this authority.

Sec. 619. Annual report of Director. No later than 180 days after the end of each fiscal year, the Director must provide a report to Congress detailing funds received and expenditures for which the funds were spent, the quality and quantity of PTO work, the nature of training provided to examiners, the evaluations of the Board, and the Commissioner for Trademarks, the Commissioners’ compensation, and other information relating to the agency.

Sec. 620. Suspension or exclusion from practice. Under existing §32 of the Patent Act, the Commissioner (the Director pursuant to §602 of this Act) has the authority, after notice and a hearing, to exclude any person who is incompetent, disreputable, indulges in gross misconduct or fraud, or is a party who is necessary the Director of OMB shall make any determination that the function to be transferred was not performed by the Director of OMB.

Sec. 621. Board of Patent Appeals and Interferences. Section 621 replaces the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks with the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office to receive pay at Level III of the Executive Schedule.

Sec. 622. Study on fees. Section 622 authorizes the Director of the Office of Management and Budget with respect to fees related to a function which is transferred under Title VI to delegate that function to another officer or employee of the federal government, or to the head of the relevant federal agency and other officers to which the function is transferred.

Sec. 641. References. Section 641 clarifies that any reference to the transfer of a function from a department or agency to the head of that department or agency when that function is transferred. In addition, in other federal materials to the Commissioner of Patents and Trademarks refer, upon enactment of Title VI, the Commissioner for Trademarks, and the Administrator of OMB shall be considered to be the transfer of that function to the official empowered to perform that function immediately before the date of the transfer of the function.

Sec. 642. Exercise of authorities. Under §642, except as otherwise provided by law, a federal officer to whom a function is transferred pursuant to Title VI may exercise all authorities under any other provision of law that were available regarding the performance of that function to the official empowered to perform that function immediately before the date of the transfer of the function.

Sec. 643. Savings provisions. Relevant legal documents that relate to a function which is transferred under Title VI shall continue in effect according to their terms unless modified or repealed in an appropriate manner.

Title VI will not affect suits commenced before the effective date of passage. Suits or actions by or against the Department of Commerce, its employees, or the Secretary of Commerce by reason of a judgment or order of the Board of Patent Appeals and Interferences or the Trademark Trial and Appeal Board. The Director of OMB shall make any determination that the function to be transferred was not performed by the Director of OMB.
other activities terminated pursuant to title VI shall remain available (for the duration of their period of availability) for necessary expenses in connection with the termination and resettlement of functions and responsibilities subject to the submission of a plan to House and Senate appropriators in accordance with Public Law 105-277 (Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, Fiscal Year 1999).

Sec. 640. Definitions. Function includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program. Office includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

FOOD STAMP OUTREACH AND RESEARCH FOR KIDS ACT OF 1999 (FORK) WILL KEEP CHILDREN FROM GOING HUNGRY

HON. WILLIAM J. COYNE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. COYNE. Mr. Speaker, today Representative SANDER LEVIN and I are introducing legislation to make sure that children in America do not go hungry. In 1998, over 14 million children lived in households that could not always afford to buy food. That was an increase of almost 4 million children over 1997. At the same time, the number of poor children not getting Food Stamps reached its highest level in a decade. Our bill, the Food Stamp Outreach and Research for Kids Act of 1999 (FORK), would help us give children who are currently going hungry the Food Stamps they need.

Some time ago, our local food banks started telling me that the number of people coming to them for help was increasing. They were concerned that they might run out of food if the demand kept going up. When we asked them who the new people coming to the food bank were, they said they were mostly low-income working families. When the food bank screened people using the eligibility guidelines of the new people who came to the Food Bank should have been receiving Food Stamps but were not.

Because of those reports and others like them, SANDER LEVIN and I asked the General Accounting Office to investigate and determine whether Food Stamp-eligible families were losing benefits, the cause of any declines, and what impact declines were having on children.

GAO recently finished its investigation, which confirmed many of the anecdotal reports. While a number of people have left the Food Stamp program because of the improved economy, economic growth alone does not explain the drop in Food Stamp participation. GAO found that demand for emergency and supplemental food was increasing and that some state agencies were not following federal laws regarding Food Stamp benefits. Perhaps most disturbing of all, GAO found that almost half the people who have lost Food Stamps since 1996 are children.

Our bill, the Food Stamp Outreach and Research for Kids Act of 1999 (FORK), is designed to address GAO's findings and recommendations.

FORK would provide grant funding to food banks, schools, health clinics, local governments, and other entities that interact with working families. The grants would allow those organizations to develop and expand innovative approaches to Food Stamp outreach, which would help the Food and Nutrition Service enroll many of the eligible families that currently go hungry.

FORK would also require the Food and Nutrition Service (FNS) to conduct on-site inspections of state Food Stamp programs to identify barriers to enrollment and work with states to develop corrective action plans.

FORK would authorize FNS to conduct research which will help it improve access, formulate nutrition policy, and measure program impacts and integrity.

FORK would require the Departments of Agriculture and Health and Human Services to work with state Temporary Aid to Needy Families (TANF) programs to retrain caseworkers and make sure that prospective and former TANF recipients are informed about their Food Stamp eligibility.

Finally, FORK would authorize FNS to form public-private partnerships to expand its nutrition education program.

I hope our colleagues will join us in supporting this important legislation. I do not believe that anyone in Congress ever intended for children to go hungry because their parents left welfare and went to work. Now that we know it is happening, it is our responsibility to act quickly to make the Food Stamp program work for families in need.

HONORING FORMER SECRETARY LLOYD M. BENTSEN ON THE RECEIPT OF THE PRESIDENTIAL MEDAL OF FREEDOM

HON. KEN BENTSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. BENTSEN. Mr. Speaker, on Tuesday, August 11, 1999, President William Jefferson Clinton will present the Medal of Freedom to Lloyd M. Bentsen—the 16th Secretary of the Treasury, member of the Senate and House of Representatives, and candidate for Vice President of the United States.

Lloyd Bentsen was born in Mission, in Texas' Rio Grande Valley in 1921. The first of four children to Edna Ruth Colebatch Bentsen and Lloyd M. Bentsen, Sr. Lloyd Bentsen grew up in the South Texas farming community, seven miles from the Mexican border. He received his B.A. and law degree from the University of Texas in 1942. With World War II underway, he enlisted in the U.S. Army Air Corps. After brief service as a private in intelligence work in Brazil, he became a pilot and in early 1944 began flying combat missions in B-24's from southern Italy with the 449th Bomb Group. At age 23 he was promoted to rank of Major and given command of a squadron of 600 men.

In 18 months of combat, Bentsen flew 35 missions against highly defended targets such as the Ploesti oil fields in Romania, which were critical to the German war machine. The 15th Air Force, to which the 449th was attached, was credited with destroying all the gasoline within its range, or about half German's fuel on the continent. Bentsen's unit also flew against communications centers, aircraft factories, and industrial targets in Germany, Italy, Austria, Czechoslovakia, Hungary, Romania and Bulgaria. Bentsen participated in bombing raids in support of the Anzio campaign, and flew against targets in preparation for the landing in southern France.

He was awarded the Distinguished Flying Cross and one of the Army's highest commendations for valor. He also was awarded the Air Medal with three oak leaf clusters, the medal and each subsequent cluster representing specific campaigns for which he was decorated. He was promoted to colonel in the Air Force Reserve before completing his military service, and now the Air Force's highest commendations for valor.

After the war, Bentsen returned to his native Rio Grande Valley where he was elected as Hidalgo County Judge in 1946 and to the U.S. House of Representatives from the 15th Congressional District in 1948. He served three terms in the House during which he cast crucial votes against the poll tax and in support of programs for returning veterans. He declined to seek reelection in 1954 and decided to begin a career in business.

For 16 years, Bentsen was a businessman in Houston. By 1970, he had become President of Lincoln Consolidated, a financial holding institution, including insurance, banking, and real estate. In this capacity, he built the first integrated hotel in Houston.

Secretary Bentsen was elected a United States Senator from Texas in 1970 and served as Chairman of the Senate Finance Committee from 1987 through early 1993. He also served as Chairman of the Joint Committee on Taxation and the Joint Economic Committee and was a member of the Senate Armed Services, Commerce, Science and Transportation, Intelligence, and Environment and Public Works Committees. In 1988, he was the Democratic Party nominee for Vice President of the United States.

During his 23 years in the U.S. Senate, Lloyd Bentsen drafted and passed progressive and far reaching legislation. He left an indelible mark on tax, trade, health care, and transportation legislation. His greatest achievements include the passage of the landmark Employer Retirement Income Security Act (ERISA), the Trade Act of 1988, Employer Retirement Income Security Act (ERISA), the Trade Act of 1988, Equal Opportunity Education legislation, anti-age discrimination legislation for the elderly, Medicare and Medicaid expansion—particularly benefiting indigent children. He was also a leader in establishing a more equitable funding formula for federal highways. As a result, Texas' highways are in much better shape because of his efforts.

Senator Bentsen was nominated by President Clinton to be the 69th Secretary of the Treasury. He served from January 20, 1993 until September 22, 1996.

As Secretary of the Treasury, Lloyd Bentsen was an important architect of the President's economic recovery package that has helped fuel the longest peacetime economic expansion in more than 60 years, while bringing the federal budget into balance. He also led the President's efforts to pass the North American Free Trade Agreement.

On December 27, 1994 he ended his 30-plus years of public service and returned to practice law in Houston, where he now resides with his wife of 55 years, the former Beryl Ann        which has been their calling, their true blessing has been their three children, Lloyd III, Lan, and Tina and their respective spouses, Gail, Adele,
and Rick Smith and their seven grandchildren, Lloyd IV and Ryan Bentsen; Skyler, Kendall and Kate Bentsen; and Lori and Richard Smith.

Mr. Speaker, Lloyd Bentsen is a committed public servant with a remarkable record of achievement as Treasury Secretary, Senator, Representative and an iconoclast. Mr. Bentsen and his family were veteran. He is also a devoted husband and a caring father, grandfather, and uncle. He has dedicated his life to public service and his family. He is an example and an inspiration to Texans and Americans, of all that is good in our Country. He is truly deserving of the Medal of Freedom, which is awarded by the President and recognizes individuals who have made significant meritorious contributions to the security or national interests of the United States; world peace; cultural or other significant public or private endeavors. Without doubt, Lloyd Bentsen meets this criteria and I salute him for his achievements and receipt of this award.

THE 50TH ANNIVERSARY OF THE PEPSI SOUTHERN 500
HON. JOHN M. SPRATT, JR.
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. SPRATT. Mr. Speaker, on September 5th of this year, the Darlington Raceway will celebrate the 50th Anniversary of the Southern 500 stock car race, now known as the Pepsi Southern 500.

The Darlington Raceway, I am proud to say, is located in my district. It was built in 1949, and unlike most stock car tracks of its day, it was paved with asphalt, giving the track its name, “The Lady Black.”

Harold Brasington, a native of Darlington, attended the Indianapolis 500 in 1933, and brought home with him a dream, a vision of something bigger and better than ever, and who has won the respect of all fans everywhere, because it remains the genuine article.

The Darlington Raceway has never forgotten its roots and the people who helped make it what it is. Every year, the Darlington Raceway makes a substantial contribution to Darlington’s schools. It recognizes a Darlington County Teacher of the Year, and awards scholarships to a Darlington County High school student; and every year, it cosponsors a gala honoring 1500 county educators.

Mr. Speaker, I am proud to represent the Darlington Raceway. As we approach the 50th Anniversary of the Southern 500, I think commendations are in order for Jim Hunter, President of the Darlington Raceway; for Bill France, Jr., CEO of International Speedway Corporation and President of NASCAR; and for everyone involved in bringing us 50 years of the finest, most exciting stock car racing in the world.

SILK ROAD STRATEGY ACT OF 1999
HON. JOSEPH R. PITTS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, August 2, 1999

Mr. PITTS. Mr. Speaker, I rise today in strong support of the Silk Road Strategy Act. I commend my colleague, Mr. BEREUTER, for championing this important legislation that will greatly benefit countries in Central Asia and the Caucasus.

The Silk Road Strategy Act is a proactive policy of engagement, which authorizes U.S. assistance to support the economic and political independence of Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, Turkmenistan, Armenia, Georgia, and Azerbaijan. Since the break-up of the Soviet Union, after decades of Communist rule, these countries have faced a tough road toward economic development and prosperity, and the cultivation of a democratic society.

With this in mind, the U.S. must actively engage this region to ensure a peaceful post-Soviet era, and to protect our national security. Since being elected to Congress in 1996, I have worked hard to build bridges between the U.S. and Central Asia and the Caucasus. Through regular meetings with Ambassadors from this region and travel to Central Asia, I am keenly aware of the necessity of this bill.

Mr. Speaker, the Great Silk Road, which in ancient times joined the East with the West, by means of trade, cultural-humanitarian, political and economic ties, has a history stretching back several thousand years. The Great Silk Road played the role of a connecting bridge between countries and civilizations. It served as a channel for trade, which became the catalyst for the development of crafts and the active exchange of philosophies and cultures. The spirit of the Great Silk Road is what this bill before us today is about—a new Silk Road connecting Central Asia and the Caucasus with the United States, in an effort to encourage economic, cultural, and political exchange between our countries.

I am proud to be a cosponsor of this bill and look forward to continuing working with Central Asia and Caucasus states to build prosperous market-oriented economies in the former Soviet Union. Again, I thank my colleague, Mr. BEREUTER, for sponsoring this bill, and I urge my colleagues to support the Silk Road Strategy Act.

HOMES OVER TAX CUTS
HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I am protesting this rule because it’s the first step in ripping off the roof over people’s heads.

That’s what we are doing when we cut the HUD budget. Some people will argue that cutting the budget is good government. They will argue that we are reducing wasteful government spending. But this isn’t just some government program. It’s a roof over people’s heads. When we cut this program, we are taking away some senior’s rent money. We are throwing families out of their homes. We are denying people on fixed incomes the safety and security of an affordable home.

One of those government programs is the Section 8 program. HUD has contracted with private landlords to provide affordable apartments to people on fixed and low incomes. Over 500,000 of those apartments will come up for renewal in the next five years. If we don’t renew those contracts, landlords will leave the program, raise their rents and evict hundreds of thousands of people on fixed and low incomes.

This is a terrible thing and we know it. Last March, we cut $350 million from the Section 8 program to pay for non-emergency spending in Kosovo. But both the Chairman of the Appropriations Committee and the Chairman of the VA–HUD Appropriations subcommittee promised to put it back if they could because they know that it is money well spent. If we have the money, we ought to use it to give people a safe home so they can go to work and their children can go to school and they all can be productive citizens.

Well, we can put the $350 million back if we don’t give $800 billion to wealthy special interest in the form of an irresponsible tax cut. And we should put in an extra $1 billion that the President has requested because 500,000 households are depending on us.

This money is well spent. It’s money for local governments to attract jobs. It’s money for services for seniors and persons with disabilities so that they can live their lives with some comfort. It’s money for secure families. People deserve this from us and we ought to give it to them. Oppose this rule, because it’s the first step in ripping off the roof over people’s heads.

FULLY FUND HOUSING AND COMMUNITY DEVELOPMENT
NATIONAL LOW INCOME HOUSING COALITION

Hon. Janice Schakowsky, House of Representatives, Cannon Building, Washington, D.C.

Dear Representative Schakowsky: This year marks the 50th anniversary of the Housing Act of 1949, in which Congress declared...
the national goal of a decent home and a suitable living environment for every American family. We believe, as do most Americans, that this nation is capable of achieving this worthy goal.

However, we have a long way to go. Even while most Americans are thriving in our re-markable economy, many are still struggling with excessive housing costs and insufficient income to meet basic needs. Over 9,000,000 very low income households pay more than half of their income for housing. The 1999 report by the Joint Center for Housing Studies at Harvard, The State of the Nation’s Housing, clearly documents the paradox when public expenditures in producing and home ownership while rents are increasing faster than wages. Nowhere in the country can a household with one full time minimum wage earner afford basic housing costs. Families who apply for housing assistance wait longer than they ever have before, and in many communities, waiting lists are closed indefinitely.

We believe that a time when we are celebrating bountiful budget surpluses is also the time to address our severe national shortage of affordable housing. This can best be done by strengthening the proven federal housing and community development programs that lift up low-income Americans. There is ample evidence that housing assistance helps low income families gain the housing stability that is necessary for family members to support work and in school.

Unfortunately, the action of the House Appropriations Committee last week weakens our housing and community development programs. Rather than building on the success of our economy by extending its rewards and opportunities to low income Americans, the Committee moved us backwards by failing to fully fund the Public Housing and Low Income Housing programs. The bill cuts CDBG, HOME, HOPWA, Public Housing Operating Fund, and Homeless Assistance, among others, and does not fund a single new housing voucher.

We find it inconceivable that in this period of extraordinary economic prosperity that Congress continues to purport that we are unable to fund modest expansions of programs that improve the housing and economic opportunities of low wage earners and people on fixed incomes. The substantial tax cuts and other consideration in the House will not improve the housing circumstances of low income people, but more housing instability.

We urge you to vote against the HUD-VA Appropriations bill when it comes to the full House. We are capable of doing much better.

Sincerely,


GAMBLING ATM, AND CREDIT/DEBIT CARD REFORM ACT

HON. JOHN J. LAFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to implement one of the more important recommendations of the National Gambling Impact Study Commission to help lessen the potential financial losses of compulsive gambling for individuals and families. My legislation, the “Gambling ATM and Credit/Debit Card Reform Act”, amends federal law to reduce the ready availability of cash and credit for gambling by removing automated transfer machines (ATMs), credit card terminals, debit card point-of-sale machines and other electronic cash dispensing devices from the immediate area of gambling activities.

The National Gambling Impact Study Commission recently completed the nation’s first comprehensive analysis of legalized gambling in more than twenty years. The Commission took on one of the most difficult and divisive issues in America today and produced an extremely thoughtful report with more than 70 recommendations for changes in gambling policy. The thoroughness of the Commission’s effort, despite significant divisions and difficulties, can be recognized and clearly justifies the efforts of those of us who sponsored legislation to create the Commission three years ago.

A major finding of the Commission is that America has been transformed during the past 20 years from a nation in which legalized gambling was localized and limited to one in which it is almost omnipresent and a major economic and entertainment activity. Some form of legalized gambling is now permitted in 47 states and the District of Columbia. Thirty-seven states officially sponsor gambling through state lotteries. Americans now spend an estimated $650 billion a year on legalized gambling—more than they spend on movies, records, theme parks, professional sports and all other forms of entertainment combined.

The Commission also found that while legal gambling provides economic benefits for the communities in which it is introduced, it also produces significant negative consequences for millions of individuals and families—consequences such as bankruptcy, crime, divorce, abuse and even suicide. A specific concern of the Commission has been the dramatic increase in problem and pathological gambling. Studies suggest that more than 5 million Americans are pathological or compulsive gamblers, and that another 15 million have been identified as “at-risk” or compulsive gamblers. Growth in problem and compulsive gambling has been particularly noticeable among women and includes growing numbers of young people.

The Commission identified the ready availability of cash and credit in and around gambling establishments as a major factor contributing to irresponsible gambling and to problem and pathological gambling behavior. Between forty and sixty percent of all money wagered by individuals in casinos, for example, is not physically brought onto the premises but is obtained by gamblers after their arrival. Much of this money derives from credit markers extended by casinos, but a growing portion involves cash derived from ATMs and debit cards and cash advances on credit cards.

Credit cards, debit cards and ATMs have long been used within gambling resort hotels and near other gambling facilities. But their availability and use on gambling floors for gambling purposes of making bets or purchasing playing chips was generally prohibited. This changed in 1996 when the New Jersey Casino Control Commission approved the use of credit card point-of-sale machines at gambling tables for direct purchases of playing chips and slot tokens. The action was immediately recognized by gambling experts as one of the “most potentially dramatic changes” in gambling in decades that would result in more impulse gambling by consumers as well as casinos. Since then, ATMs have been moved from outside casinos and other gambling establishments to locations near gambling floors and debit card machines have also been installed directly at gaming tables.

Allowing gamblers to use ATMs, credit and debit cards directly for gambling removes one of the last remaining checks on compulsive or problem gambling—the need to walk away to find more cash to gamble. This separation helps both the-expectant gambler and permits many gamblers to walk away. Providing electronic transfers of additional cash not only feeds compulsive behavior, but makes it easier for problem gamblers to bet all their available cash, draw down their bank accounts, and then tap into the available credit lines of their credit cards as well. Financial institutions become unwitting accomplices in encouraging gamblers to bet more money than they intended and more than most can afford.

My legislation addresses this problem in a number of ways. First, the Truth in Lending Act (TILA) to prohibit gambling establishments from placing card terminals, or accepting credit cards for payment or credit advances, in the immediate area where any form of gambling is conducted. It also amends the Electronic Funds Transfer Act (EFTA) to impose similar prohibition on the placing of any automated teller machine, point-of-sale terminal or other electronic cash dispensing device in the immediate area where gambling occurs. The bill directs the Federal Reserve Board to publish and enforcement rules for as to “point-of-sale” terminals and other electronic cash dispensing devices.
elsewhere in TILA and EFTA to permit individuals to file private actions against gambling establishments that violate these restrictions.

Mr. Speaker, the National Commission's report confirms that legalized gambling has become a national phenomenon. While it is unreasonable to expect legislation to stop its growth, we can take reasonable measures to help minimize the potential financial strain and anguish for American families. My legislation does not prohibit casinos, racetracks and other gambling facilities from providing or using credit card or other electronic payment devices. It requires that these devices be used for the purposes they were intended and not to encourage irresponsible or problem gambling.

I believe this is reasonable and worthwhile legislation. I urge its adoption by the Congress.

H.R. —

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assem-
bled, 

SECTION 1. SHORT TITLE. This Act may be cited as the “Gambling AT McCredit/Debit Card Reform Act.”

SEC. 2. IMPLEMENTATION OF THE NATIONAL GAMBLING COMMISSION'S RECOMMENDATIONS RELATING TO BANKING AND CREDIT.

(a) INITIATION OF ELECTRONIC FUND TRANSFERS.

(1) The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(A) by redesignating sections 918, 919, 920, and 921 as sections 919, 920, 921, and 922, respectively; and

(B) by inserting after section 917 the following new section:

SEC. 918. PLACEMENT OF ELECTRONIC TERMINALS IN GAMBLING ESTABLISHMENTS.

(a) In general. No person may place, or to cause to be placed, an electronic terminal in the immediate area of a gambling establishment where any form of wager or bet is made or accepted, any game of chance is played, any gambling device is used, or any other form of gambling is carried on.

(b) Regulations. Such regulations shall include a clear delineation of the setting in which, and the circumstances under which, electronic fund transfers should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

(c) Liability. For purposes of section 915, a failure to comply with the requirements of subsection (a) with regard to any electronic terminal shall be considered a failure to comply with a provision of this title with respect to any consumer who initiates an electronic fund transfer at such terminal.

(d) Definitions. For purposes of this section, the following definitions shall apply:

(1) The term ‘gambling device’ means an electronic device, other than a telephone operated by a consumer, through which a consumer may initiate a consumer credit transaction in payment for any money, property, or services obtained by the consumer; and

(2) Includes point-of-sale terminals, automated teller machines, and cash dispensing machines.

(2) PLACEMENT OF ELECTRONIC TERMINALS.

(a) In general. The Board shall prescribe such regulations as the Board may consider to be appropriate to ensure that the use of an electronic terminal or the use of a credit card to initiate a consumer credit transaction at a place in a gambling establishment that constitutes a violation of subsection (a) should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

(b) Separate setting. Such regulations shall include a clear delineation of the setting in which, and the circumstances under which, electronic fund transfers should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

(c) Civil Liability. In general. Any person who fails to comply with any provision of this title with respect to any electronic terminal or the establishment of a gambling device that constitutes a violation shall be liable to any consumer who uses the electronic terminal or provides a credit card to such place in an amount equal to the sum of the amounts determined under each of the following subparagraphs:

(1) Actual Damages. The greater of—

(A) the amount of any damage sustained by the consumer as a result of such failure; or

(B) any amount paid, directly or with the proceeds of the credit transaction, by the consumer to such person.

(2) Punitive Damages. —

(B) In the case of any action by an individual, such additional amount as the court may allow.

(c) Punitive Damages. —

(B) In the case of a class action, the sum of—

(1) the aggregate of the amount which the court may allow for each named plaintiff; and

(2) the aggregate of the amount which the court may award to each other class member, without regard to any minimum individual recovery.

(c) Attorneys’ Fees. In the case of any successful action to enforce any liability under paragraph (a) or (b), the costs of the action, together with reasonable attorneys’ fees.

(2) FACTORS TO BE CONSIDERED. —

In determining the amount of any liability of any person under paragraph (1)(B), the court shall consider, among other relevant factors—

(A) the frequency and persistence of noncompliance by such person;

(B) the nature of the noncompliance;

(C) the extent to which such noncompliance was intentional; and

(D) the extent to which such noncompliance was intentional.
George was truly an advocate for all people. Even when it was unpopular, he pursued his belief that all people were created equal and he championed the civil rights legislation that transformed America. As a patron of the working men and women of this country, he worked to bring workers protection from hazardous working conditions. And he believed that all citizens should be able to visit federal parks. Due in part to this vision, the citizens of this great nation have access to more federal parks than ever before.

With George’s passing, this institution and the American people have lost part of their history. George was a repository of institutional knowledge and a person that has contributed greatly to our country as a whole. I know I speak for all of the Members of Congress when I say that this body will miss George Brown. I would also like thank his family and the citizens of the 42nd District of California for sharing him with us for so long.

TRIBUTE TO THE LIFE OF JUDGE FRANK M. JOHNSON, JR.

HON. ROBERT B. ADERHOLT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. ADERHOLT. Mr. Speaker, I rise today to pay tribute to Judge Frank M. Johnson, Jr., a native of my hometown of Haleyville, Alabama. On July 23, 1999, Judge Johnson passed away at the age of 80.

After graduating from the University of Alabama in 1943 at the top of his class, Frank Johnson enlisted in the Army as a private. Soon, he received a commission as an infantry lieutenant. During World War II, he served during the Normandy invasion, and later was awarded a Bronze Star as a platoon leader in Gen. Patton’s Third Army. Twice he was wounded in battle during the war. After he recovered, he was transferred to England and served out the war as a legal officer in the Judge Advocate General’s Corps, eventually being promoted to Captain.

Judge Johnson was first promoted to the bench in 1954, then the youngest serving federal judge in the nation. In 1955, he was elevated to U.S. Middle District Judge in Montgomery, Alabama, and in 1979 he was named to the U.S. Court of Appeals.

His career on the bench was marked by many pivotal rulings. In 1956, in his first major ruling, Judge Johnson joined the majority on a three-judge panel in the case concerning the Rosa Parks case. This decision brought the end of segregated bus systems. With this ruling, Judge Johnson staked his place in the civil rights battle, fighting for equality for all Americans during his judicial career.

Judge Johnson participated in rulings that desegregated all types of public places and services, from schools to museums, from airports to restaurants from libraries to parks. Even in the face of harsh criticism and resistance, Judge Johnson stood firm in his belief in equality and justice for all Americans.

Desegregation was not his only accomplishment in the Civil Rights fight. After finding rampant discrimination against blacks, Judge Johnson issued a ruling that became the formula Congress used to ensure voting rights nationwide in the Voting Rights Act of 1965. Also, Judge Johnson was part of a panel that ordered the Alabama State Legislature to draw its district lines by population, not by mere geography. This was the first ruling of its kind, and helped ensure that citizens were not disenfranchised simply because they lived in a minority-dominated geographic area.

It was his style to stand firm on what he believed was right, often in the face of intense criticism. Judge Johnson, one of America’s most distinguished jurists, is an example of dedication for all Americans. All of America—but especially Alabama—feels the loss of Judge Frank Johnson, and we are thankful for his life of public service.

A TRIBUTE TO GEORGE BROWN

HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. BERMAN. Mr. Speaker, it is with great sadness that I take the floor today to bid farewell to a giant in California governance and politics.

George Brown was the epitome of a great public servant. Elected as a spirited anti-war crusader, he never lost his bearings. Although he mellowed with time, he never strayed far from his Quaker roots and his strong principles.

In a recent campaign, George’s opponent ran a series of ads called “Guilty as Charged,” that accused him of being out of touch—a common theme of challengers. George was not out of touch, but in a very different context, he was indeed “guilty as charged.”

George was guilty as charged for tireless work on behalf of those less privileged, against discrimination based on race, sexual orientation or gender; for better education, for the nation’s working men and women, for children, for the environment, and always—against waste, destruction, arms control and for peace.

He will always be remembered as a man of principle, unafraid to stand alone, impervious to pressure. In 1966, George cast the sole vote in the House of Representatives against the Defense Appropriations Bill—his act of defiance against the Vietnam War.

From his time as Mayor of Monterey Park to the California Assembly, to Congress where he served as Chairman and then Ranking Member of the Science Committee, he always held his office in spite of ferocious opposition—simply because he paid close attention to his constituents and won the undying loyalty of a tight, but determined majority. They loved him and they wanted him to represent them. Gruff, crusty and colorful, no one could turn a phrase just like George. If he disagreed with a proposal, it “bordered on lunacy.” He loved the thought that he had become a virtual legend in his own time.

We hope that his family will be comforted by his legacy and by knowing that he was one of a kind and a shining example of integrity and principle. George Brown is simply irreplaceable in this House of Representatives.
him. Sixteen years sounds like a long time of fond memories, but my dear friend and colleague, George Brown, has been making lasting impressions in this country for over 35.

From the depth of issues like fighting discrimination and segregation, to the brink of the AIDS epidemic and continuing world conflicts, George has experienced a changing country and world throughout his time in Congress. However, experiencing change is considerably separate from making change, which George Brown did much of. He has been a part of these changes, and for that reason, we honor him today.

As a college student in the 1930’s, Brown began inspiring change when he began a fight for civil rights. At the University of California at Los Angeles, George helped to integrate the campus when he was the first white man to live with an African-American roommate. That strive for change continued as he graduated from UCLA with a degree in Industrial Physics and used it to serve the people of Los Angeles. He was elected to the Monterey Park, CA, city council in 1954 and became mayor of the city in 1955, just one year later. George moved on to the California State Assembly in 1958, where he focused on environmental issues. This drive to fight for the environment stayed with George throughout his entire career, including his 17 terms in Congress.

In 1962, George Brown ran to represent the 29th district in California and won his seat with an 11 percentage point margin. During his years in Congress, Representative Brown voted for the Civil Rights Act of 1964, served on the House Committee of Science, as a ranking member, served on the House Committee on Agriculture, worked to integrate technology and education, spoke out on foreign policy issues and fought painstakingly hard to keep the environment safe, clean and healthy.

I would like to praise George Brown for who he was and how he contributed to this society. As a Congressman, as a family man, as an environmentalist and as a citizen, George Brown will be remembered.

THE LATE HON. GEORGE BROWN

HON. JOHN J. LaFALCE
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. LaFALCE. Mr. Speaker, I appreciate having this opportunity to say a few words in memory of my friend and colleague George Brown and to reflect on his distinguished service to our nation.

Through his military service in WWII and nearly 35 years in the House of Representatives, George Brown established a record of public service matched by few others. Indeed, he has ennobled our profession through his example.

During his career, George showed himself to be a man of strong moral conviction and uncommon vision. In his early days in Washington, George continued his life-long work as a tireless advocate for racial equality and civil rights.

Later, as Chairman and Ranking Member of the Science Committee, he lent his scientific expertise and steadfast support to issues of science, technology, and aeronautics. He will be best remembered, perhaps, for his dedication to strengthening America’s commitment to manned and unmanned space exploration. His efforts in this area have left an indelible mark on our space program, and have quite literally broadened our nation’s horizons.

George also recognized the need to conserve our natural resources and protect the environment, long before such issues were part of the mainstream agenda. Time has shown just how right he was.

Throughout his many years in the House, George had a wonderful ability to work with people of all political persuasions. He was always willing to find common ground and form alliances with others, making him an extraordinarily effective advocate for the people of his 42nd District.

George Brown will be remembered as a man who challenged us to make our world a better place, while advocating exploration of worlds beyond our own. He was a great member of this institution. I will miss him. I extend my deepest sympathies to his family.

GEORGE BROWN, CONGRESSIONAL ICON

HON. BRUCE F. VENTO
OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. VENTO. Mr. Speaker, I am pleased to add my words of condolences to the family of George Brown, our late colleague. George was a friend and counselor to many members, including myself. He was a real worker and advocate for people in the House. Congressman Brown applied himself and invested himself in the pursuit of good policy, first for the people of this nation and California, and for the attainment of human kind.

Congressman Brown invested the time and energy to understand the issues of policy and often we stood up together and spoke for good, sound science as it affected our landscapes and natural resources. The United States Biological Survey, the man in the Biosphere program, and, of course, George Brown had a legacy of accomplishments to match similar efforts related to the National Science Foundation (NSF), NASA, and the Office of Technology Assessment (OTA).

I know that George felt if we had good information as members or as administrators we would be equipped to make the best public policy. George Brown’s modest life and background working for a good education, which he obtained and used, says a lot about Representative Brown. George Brown did not forget how he got to where he was and the need to stand up for those without a voice in the political power structure. George Brown worked against housing discrimination, for the right of workers to win representation and fair compensation, and he promoted science to local office and to the United States House where he set off on a great career and journey.

George Brown, plain speaking and modestly attired, possessed the power of ideas and knowledge. Congressman Brown didn’t let political expediency interfere with what he thought was the right vote or the correct action. We will miss the warm friendship and special role that George Brown played in Congress on a professional and especially personal basis, but his spirit will live in our actions and memories. George Brown has set a very high mark and we surely stand on this shoulders as we look ahead to and try to see the future and hope for our great nation.

My sympathy to his wonderful wife Marta and to his family, you have our support and comfort. God bless George Brown and thank God for the service of this wonderful man.

IN HONOR OF THE WORLD PEACE BELL AND THE CITY OF NEWPORT, KENTUCKY

HON. KEN LUCAS
OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1999

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today to pay tribute to the city of Newport, Kentucky, where the World Peace Bell arrived at its permanent home this weekend. At 12 feet in diameter and 12 feet in height, the bell weighs 66,000 pounds. It is the world’s largest swinging bell. I also rise to recognize Wayne Carlisle for his vision, commitment, and enthusiasm, without which the World Peace Bell would not have been possible.

The World Peace Bell is a powerful symbol of freedom and peace. It was cast in Nantes, France, on December 11, 1998, the 50th Anniversary of the Universal Declaration of Human Rights. The Bell has an inscription commemorating that document, as well as engravings marking the most important events of the past 1,000 years.

The World Peace Bell was first rung in Nantes on March 20, 1999, in a public ceremony, and it began a month-and-a-half-long sea voyage from France to New Orleans, where the Bell was made part of the city’s July Fourth celebration. The Bell was transported by barge up the Mississippi and Ohio Rivers, making stops in 14 cities along the way. The Bell arrived at its final destination on August 1st.

The World Peace Bell will officially open on September 21, 1999, at the Kruse-Nunn National Day of Peace, when it will toll to observe the opening session of this year’s United Nations General Assembly. On New Year’s Eve 1999, the Bell will be rung once every hour and broadcast so that people in every time zone around the globe will hear the new millennium rung in by our World Peace Bell. This celebration will include leaders of church and state from around the world, as well as participants performing native rituals and wearing traditional costumes.

Mr. Speaker, I would also like to take this opportunity to congratulate the city of Newport and neighboring river cities on their successful efforts. The World Peace Bell is only one of a number of projects coming to fruition in the region. The success of these efforts is a testament to the spirit and hard work of the people of Northern Kentucky.
more teachers, and improving the quality of our classes. He was committed to quality education for our children.

George Brown fought to improve the lives of all Americans. He fought especially hard for those Americans who couldn’t fight for themselves. Before coming to Congress, George worked to ban discrimination. Once elected to Congress, he worked to enact the Civil Rights Act to address which discrimination against minorities. He also joined in the fight to improve health care, provide affordable prescription drugs, and even to protect our health care workers from accidental needlesticks.

Congressman George Brown fought for so many things that we now take for granted. George stood up for what was right for our environment, education, and the underprivileged. Beyond all of these accomplishments, he was an example to all of us. He stood up for what he believed in regardless of the political fall out. He exemplified the ideals that this country was founded on.

Although George is no longer with us, we will continue to strive for the goals that every American has the same rights, freedoms, and opportunities that some want to reserve for the elite few.

THE LYME DISEASE INITIATIVE OF 1999

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. SMITH of New Jersey. Mr. Speaker, today I am reintroducing legislation to wage a comprehensive fight against Lyme disease. This proposal represents the next stage of our campaign to reduce and eradicate Lyme disease. It is a five year, $125 million blueprint for attacking the disease on every front. In addition to authorizing the necessary resources to wage this war, the bill: (1) makes the development and distribution of reliable direct detection tests for Lyme the highest priority of Lyme disease research; (2) lays out a list of vital public health goals for agencies to accomplish, including a 33 percent reduction in Lyme disease within five years of enactment in the 10 highest and most endemic states; (3) fosters better coordination between the scattered Lyme disease programs within the Federal Government through a five-year joint-agency plan so that the left hand knows what the right hand is doing; (4) helps protect federal workers and visitors at federally owned lands in endemic areas through a system of periodic, standardized, and publically accessible Lyme disease risk assessments; (5) requires a review of our system of Lyme disease prevention and surveillance of search for areas of improvement; (6) fosters additional research into other related tick-borne illnesses so that the problem of co-infection can be addressed; (7) initiates a plan to boost public and physician understanding about Lyme disease; and (8) creates a Lyme Disease Task Force to provide the public with the opportunity to hold our public health officials accountable as they accomplish these tasks.

Mr. Speaker, Lyme disease is one of our nation’s fastest growing infectious diseases, and the most common tick-borne disease in America. According to some estimates, Lyme disease costs our nation $1 billion to $2 billion in medical costs annually. The number of confirmed cases of Lyme disease was nearly 16,000 last year, an increase of 24.5 percent from the previous year, and that is only the tip of the iceberg. Many experts believe the official statistics understate the true number of Lyme disease cases by as much as ten or twelve-fold. Lyme disease is sometimes called the ‘Great Pretender’ disease because its symptoms so closely mimic other conditions. Thus, it can be easily misdiagnosed. Worse yet, if current detection tests are not always reliable and accurate enough to detect the disease in patients.

The Lyme Disease Initiative of 1999 builds on the accomplishments of the legislation introduced in the previous Congress, H.R. 379. As Members may recall, we were successful in getting a portion of that bill enacted as part of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, as well as part of the Fiscal Year 1999 Defense Appropriations bill. The provisions from last year up to $3 million in Department of Defense funding dedicated to tick-borne disease research, so that our soldiers and their families can be protected when they work and live in areas endemic for Lyme disease. This $3 million in funding was a good start, but there is still so much that remains unknown about Lyme disease.

That is where the new proposal comes in. It is the product of countless meetings with patients and families struggling to cope with this terribly debilitating disease. I cannot tell my colleagues how many times I have met with families who have told heart breaking stories about how they went from doctor to doctor without getting an accurate diagnosis, getting progressively weaker and sicker, while racking up massive medical bills. Sadly, the lack of physician knowledge about Lyme disease, and the inadequacies of existing laboratory detection tests, compound the misery. Consequently, we have consulted extensively with the organizations representing these patients, as well as with the agencies charged with implementing the new program, to ensure that the bill addresses these very real concerns.

I support, I believe this good legislation that affirmatively meets the needs of patients, and one that is worthy of my colleagues’ support.

THE LYME DISEASE INITIATIVE OF 1999

SECTION 1. SHORT TITLE—LYME DISEASE INITIATIVE OF 1999

SECTION 2. FINDINGS

SECTION 3. FIVE YEAR PLAN OF ACTION, PUBLIC HEALTH GOALS

Establishes a Five-Year plan (authorizing $125 million over five years) to reduce the incidence and prevalence of Lyme disease, and requires Secretaries of Health and Human Services, Defense, Agriculture, and Interior to collaborate in creating this five year plan.

Goal No. 1: Direct Direction Tests. The legislation directs federal researchers to make the development of a reliable direct detection test for Lyme disease a priority. Without a good detection test, individuals will continue to get misdiagnosed, in effect, our companies will continue to dispute and deny needed treatments, and patients will not know if they are truly cured of Lyme.

Goal No. 2: Improved Surveillance and Reporting System. Requires a review of the existing reporting system for Lyme, including...
the surveillance criteria used to determine whether or not a case of Lyme is counted in the state statistics reported to CDC. Requires this review to be inclusive, and obtain the input of health providers, Lyme disease patient advocacy groups, and state and local governments. It also considers the use of a 'dual reporting' system so that valuable data collected on persons who do not meet the surveillance criteria definition of Lyme—but are still being treated for Lyme by their doctor.

Goal No. 3: Lyme Disease Prevention. Requires CDC to establish a baseline rate of Lyme disease in the 10 highest endemic states, and aims for a reduction in this rate of 33 percent within 5 years. Means used to accomplish this goal may include natural and non-pesticidal means to control tick populations, as well as better public education and systematic risk assessments on the risks of Lyme disease on federally owned lands in endemic areas.

Goal No. 4: Prevention of Other Tick-Borne Diseases. Authorizes programs to prevent, and expand research on, other tick-borne infectious diseases. Although Lyme disease cases are the overwhelming majority of all tick-borne infections in the U.S., many Lyme patients are co-infected with other tick-borne diseases.

Goal No. 5: Improved Public and Physician Education. Establishes a multi-departmental program to improve public and health provider awareness of how to prevent Lyme disease, how to diagnose it, and how to treat it.

SECTION 4. LYME DISEASE TASK FORCE
Establishes a joint government/public Lyme Disease Task Force to provide advice to the Secretaries of Agriculture, Health and Human Services, Defense and Interior on achieving the five public health goals. Public members on the task force will include: (1) Lyme disease research scientists, (2) Lyme disease patient advocacy organizations, (3) clinicians with extensive experience in treating Lyme disease, (4) Lyme disease patients, and/or the parents or family members of those who have had Lyme disease.

SECTION 5. ANNUAL REPORTS
Mandates annual progress reports to Congress so the taxpayers will be able to hold agencies accountable for following through on the five year plan.

SECTION 6. DEFINITIONS

SECTION 7. AUTHORIZATION OF APPROPRIATIONS
Provides $125 million over five years in new authorization to fund this coordinated, multi-agency war on Lyme disease. $40 million in additional authorization over five years ($8 million/year) for the National Institutes of Health (NIH), most of which will be used to develop and improve direct detection tests for Lyme. This new money, if appropriated, will increase existing NIH Lyme research by approximately 41 percent. $40 million in additional authorization over five years ($8 million/year) for the Centers for Disease Control and Prevention (CDC). This money will be used to review the surveillance criteria, fund tick control and public education initiatives, as well as prevention programs. If enacted and appropriated, CDC resources devoted to Lyme would be doubled under the proposed bill. $30 million in additional authorization over five years ($6 million/year) for the Department of Defense (DoD). This amount was identified by DoD in its Fiscal Year 1999 report to Congress on Lyme disease as the amount necessary to fund current and future research requirements.

$7.5 million in additional authorization over five years ($1.5 million/year) for the Department of Agriculture to enhance USDA’s research capabilities on Lyme. USDA currently is exploring innovative techniques to remove/manage tick populations with minimal pesticide exposure to humans.

$7.5 million in additional authorization over five years ($1.5 million/year) for the Department of Interior. This will be used to improve public awareness and understanding of the risks of Lyme disease at federally owned lands, as well as needed tick control efforts.

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Thursday, August 5, 1999

Daily Digest

HIGHLIGHTS

Senate agreed to the Budget Reconciliation/Tax Relief Conference Report.

Senate agreed to the Water Resources Development Act Conference Report.

Senate Chamber Action

Routine Proceedings, pages S10267-S10536

Measures Introduced: Sixty-seven bills and ten resolutions were introduced, as follows: S. 1499-1565, S.J. Res. 31-32, S. Res. 175-178, and S. Con. Res. 51-54.

Measures Reported: Reports were made as follows:

  S. 720, to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, with an amendment in the nature of a substitute. (S. Rept. No. 106-139)

  Report to accompany S. 1255, to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws (S. Rept. No. 106-140)

  S. 97, to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance, with an amendment in the nature of a substitute. (S. Rept. No. 106-141)

  S. 798, to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security. (S. Rept. No. 106-142)

  S. 199, for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

  S. 275, for the relief of Suchada K wong.

  S. 452, for the relief of Belinda McGregor, with an amendment.

  S. 486, to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, with an amendment in the nature of a substitute.

  S. 620, to grant a Federal charter to Korean War Veterans Association, Incorporated.

Measures Passed:

  Adjournment Resolution: Senate agreed to S. Con. Res. 51, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

  Tobacco Production and Marketing Information: Senate passed S. 1543, to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

  U.S. Capitol Construction: Senate agreed to H. Con. Res. 167, authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest, after agreeing to the following amendment proposed thereto:

  Gorton (for McConnell) Amendment No. 1608, to authorize the Architect of the Capitol to permit temporary construction and other work on the Capitol grounds, to provide that health and safety requirements, including access for the disabled, be observed.

  Anticybersquatting Consumer Protection Act: Senate passed S. 1255, to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, after agreeing to a committee amendment in
the nature of a substitute, and the following amendment proposed thereto:

Brownback (for Hatch/Leahy) Amendment No. 1609, to clarify the rights of domain name registrants and Internet users with respect to lawful uses of Internet domain names.

Veterans Entrepreneurship and Small Business Development Act: Senate passed H.R. 1568, to provide technical, financial, and procurement assistance to veteran owned small businesses, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Brownback (for Bond) Amendment No. 1617, to make amendments with respect to the Board of Directors of the National Veterans Business Development Corporation.

Indonesia Elections: Senate agreed to S. Res. 166, relating to the recent elections in the Republic of Indonesia, after agreeing to a committee amendment.

Technical Correction: Senate passed S. 1072, to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.), after agreeing to the following amendments proposed thereto:

Brownback (for DeWine) Amendment No. 1618, to clarify certain duties of the Centennial of Flight Commission.

Brownback (for Helms) Amendment No. 1619, to make a technical correction.

Poison Control Center Enhancement and Awareness Act: Senate passed S. 632, to provide assistance for poison prevention and to stabilize the funding of regional poison control centers, after agreeing to a committee amendment in the nature of a substitute.

Mineral Leasing on Indian Lands: Senate passed S. 944, to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.


U.S. Customs Service Authorization: Senate passed H.R. 1833, to authorize appropriations for the United States Customs Service, after agreeing to a committee amendment in the nature of a substitute.

Export-Import Bank Quorum Requirement: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 2565, to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States, and the bill was then passed, clearing the measure for the President.

Federal Building Naming: Senate passed H.R. 211, to designate the Federal building and United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, as the “Thomas S. Foley Federal Building and United States Courthouse”, and the plaza at the south entrance of such building and courthouse as the “Walter F. Horan Plaza”, clearing the measure for the President.


Appreciating U.S. Army Personnel Service: Senate agreed to S. Res. 176, expressing the appreciation of the Senate for the service of United States Army personnel who lost their lives in service of their country in an antidrug mission in Colombia and expressing sympathy to the families and loved ones of such personnel.

National Alcohol and Drug Addiction Recovery Month: Senate agreed to S. Res. 177, designating September, 1999, as “National Alcohol and Drug Addiction Recovery Month”.

Construction Industry Payment Protection Act: Senate passed H.R. 1219, to amend the Office of Federal Procurement Policy Act and the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects, clearing the measure for the President.

Private Relief: Senate passed S. 199, for the relief of Alexandre Malofienko, Olga Malofienko, and their son, Vladimir Malofienko.

Private Relief: Senate passed S. 275, for the relief of Suchada Kwong.

Private Relief: Senate passed S. 452, for the relief of Belinda McGregor, with an amendment, after agreeing to a committee amendment.

Safety of Soldiers Missing in Action: Senate passed H.R. 1175, to locate and secure the return of Zachary Baumel, an American citizen, and other Israeli soldiers missing in action, after agreeing to a committee amendment, and the following amendment proposed thereto:
Brownback (for Leahy) Amendment No. 1620, to provide for the consideration of assistance to certain governments relating to the location and return of certain soldiers.  

**Federal Charter:** Senate passed S. 620, to grant a Federal charter to Korean War Veterans Association, Incorporated.  

**Wireless Communications and Public Safety Act:** Senate passed S. 800, to promote and enhance public safety through the use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, after agreeing to committee amendments.  

**Department of the Interior Appropriations:** Senate resumed consideration of H.R. 2466, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, taking action on the following amendments proposed thereto:  

- Gorton (for Burns) Amendment No. 1563, to increase funds in the Bureau of Indian Affairs Tribal College account by $700,000 with offset from Forest Service land acquisition in the San Juan National Forest.  
- Gorton (for Campbell) Amendment No. 1564, to provide additional funding to the United States Fish and Wildlife Service for activities relating to the Preble’s meadow jumping mouse, with an offset from Forest Service Land Acquisition in Colorado.  
- Gorton (for DeWine) Amendment No. 1565, to make unobligated funds available for the acquisition of land in the Ottawa National Wildlife Refuge, for the Dayton Aviation Heritage Commission, and for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant, Ohio.  
- Gorton (for Lugar/Bayh) Amendment No. 1566, to transfer $700,000 in land acquisition funds from the San Juan National Forest (Silver Mountain), Colorado to the Patoka River National Wildlife Refuge, Indiana.  
- Gorton (for Mack/Graham) Amendment No. 1567, to provide funding for construction of the Seminole Rest facility at the Canaveral National Seashore, Florida, with an offset from the J.N. Ding Darling National Wildlife Refuge, Florida.  
- Gorton (for Reid) Amendment No. 1568, to provide $150,000 for the U.S. Fish and Wildlife Part-ners for Fish and Wildlife Program within the Habitat Conservation Program. This funding will support the Nevada Biodiversity Research and Conservation Initiative for migratory bird studies at Walker Lake, Nevada. The increase in $150,000 for the Nevada Biodiversity Research and Conservation Initiative is offset by a $150,000 decrease in the Water Resources Investigations program of the U.S. Geological Service of which $250,000 was directed for hydrologic monitoring to support implementation of the Truckee River Water Quality Settlement Agreement.  

**Budget Reconciliation/Tax Relief:** Senate agreed to the conference report on S. 507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States.  

**Transportation Appropriations:** Senate began consideration of the motion to proceed to the consideration of H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000.  

A motion was entered to close further debate on the motion to proceed to the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur at 9:30 a.m., on Thursday, September 9, 1999.  

Subsequently, the motion to proceed was withdrawn.

**Legislative Branch Appropriations—Agreement:** A unanimous-consent agreement was reached providing that when the Senate receives from the House...
the conference report on H.R. 1905, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, the conference report be deemed agreed to.

**Nominations—Agreement:** A unanimous-consent agreement was reached providing that all nominations received by the Senate during the 106th Congress, remain in status quo, notwithstanding the August adjournment of the Senate and the provisions of Rule 31, paragraph 6 of the Standing Rules of the Senate, with certain exceptions.

**Authority for Committees:** All committees were authorized to file legislative reports during the adjournment of the Senate on Friday, August 27, 1999, from 11 a.m. to 1 p.m.

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaty:
Convention (No. 182) for Elimination of the Worst Forms of Child Labor (Treaty Doc. 106–5).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and was ordered to be printed.

**Messages From the President:** Senate received the following messages from the President of the United States:

A message from the President of the United States transmitting, a draft of proposed legislation entitled “Central American and Haitian Parity Act of 1999”; to the Committee on the Judiciary. (PM–55).

**Nominations Confirmed:** Senate confirmed the following nominations:

By 81 yeas to 16 nays (Vote No. EX. 259), Richard Holbrooke, of New York, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

By 81 yeas to 16 nays (Vote No. EX. 259), Richard Holbrooke, of New York, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Mervyn M. Mosbacher, Jr., of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

M. Osman Siddique, of Virginia, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

Robert Z. Lawrence, of Massachusetts, to be a Member of the Council of Economic Advisers.

Martin George Brennan, of California, to be Ambassador to the Republic of Uganda.

William J. Rainer, of New Mexico, to be Chairman of the Commodity Futures Trading Commission.

William J. Rainer, of New Mexico, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2004.

Richard Monroe Miles, of South Carolina, to be Ambassador to the Republic of Bulgaria.

Charles A. Blanchard, of Arizona, to be General Counsel of the Department of the Army.

Carol DiBattiste, of Florida, to be Under Secretary of the Air Force.

Barbro A. Owens-Kirkpatrick, of California, to be Ambassador to the Republic of Niger.

Earl E. Devaney, of Massachusetts, to be Inspector General, Department of the Interior.

Barbara J. Griffiths, of Virginia, to be Ambassador to the Republic of Iceland.

Sylvia Gaye Stanfield, of Texas, to be Ambassador to Brunei Darussalam.

Tibor P. Ngy, Jr., of Texas, to be Ambassador to the Federal Democratic Republic of Ethiopia.

Jeffrey A. Bader, of Florida, to be Ambassador to the Republic of Namibia.

Martin Neil Baily, of Maryland, to be a Member of the Council of Economic Advisers.

4 Army nominations in the rank of general.

3 Navy nominations in the rank of admiral.

A routine list in the Foreign Service.

**Nominations Received:** Senate received the following nominations:

Carol J. Parry, of Illinois, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years expiring January 31, 2012.

John Goglia, of Massachusetts, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2003. (Reappointment)

Paul L. Hill, Jr., of West Virginia, to be Chairman of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Paul L. Hill, Jr., of West Virginia, to be Member of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)
Norman A. Wulf, of Virginia, to be a Special Representative of the President, with the rank of Ambassador.

Marianne O. Battani, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Steven D. Bell, of Ohio, to be United States District Judge for the Northern District of Ohio.

Ronald A. Guzman, of Illinois, to be United States District Judge for the Northern District of Illinois.

David M. Lawson, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Ann Claire Williams, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

James A. Wynn, Jr., of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

Melvin W. Kahle, of West Virginia, to be United States Attorney for the Northern District of West Virginia for a term of four years.

Ted L. McBride, of South Dakota, to be United States Attorney for the District of South Dakota for a term of four years.

Robert S. Mueller, III, of California, to be United States Attorney for the Northern District of California for a term of four years.

John W. Marshall, of Virginia, to be Director of the United States Marshals Service.

Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2003. (Reappointment)

Sylvia V. Baca, of New Mexico, to be an Assistant Secretary of the Interior.

Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004.

George L. Farr, of Connecticut, to be a Member of the Internal Revenue Service Oversight Board for a term of four years. (New Position)

George B. Daniels, of New York, to be United States District Judge for the Southern District of New York.

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Sterling R. Johnson, Jr., of New York, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005. (Reappointment)

Diana E. Murphy, of Minnesota, to be Chair of the United States Sentencing Commission.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

William Sessions, III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Messages From the President:

Messages From the House:

Communications:

Petitions:

Executive Reports of Committees:

Statements on Introduced Bills:

Additional Cosponsors:

Amendments Submitted:

Authority for Committees:

Additional Statements:

Record Votes: Three record votes were taken today. (Total—261)

Adjournment: Senate convened at 9:30 a.m., and adjourned according to the provisions of S. Con. Res. 51, at 8:52 p.m., until 12 Noon, on Wednesday, September 8, 1999. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S10535.)

Committee Meetings

(U.S. FARM ECONOMY)

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on the market and financial performance of the United States agricultural sector, after receiving testimony from Robert M. Bor, USA Rice Federation, and Katherine Ozer, National Family Farm Coalition, both of Washington, D.C.; John McNutt, Iowa City, Iowa, on behalf of the National Pork Producers Council; and Jack Hamilton, Lake Providence, Louisiana, on behalf of the National Cotton Council.

HUD MULTIFAMILY HOUSING ASSISTANCE RESTRUCTURING

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded oversight hearings on activities of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development, after receiving testimony from Ira G. Peppercorn, Director, Office of Multifamily Housing Assistance Restructuring, Department of Housing and

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nominations of Armando Falcon, Jr., of Texas, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Martin Neil Baily, of Maryland, to be a Member of the Council of Economic Advisers, Robert Z. Lawrence, of Massachusetts, to be a Member of the Council of Economic Advisers, Dorian Vanessa Weaver, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States, and Dan Herman Renberg, of Maryland, to be a Member of the Board of Directors of the Export-Import Bank of the United States, after the nominees testified and answered questions in their own behalf. Mr. Renberg was introduced by Senator Specter.

Also, Committee concluded hearings on the nomination of Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Jimmy J. Kolker, of Missouri, to be Ambassador to Burkina Faso, Jeffrey A. Bader, of Florida, to be Ambassador to the Republic of Namibia, Martin George Brennan, of California, to be Ambassador to the Republic of Uganda, Harriet L. Elam, of Massachusetts, to be Ambassador to the Republic of Senegal, Gregory Lee Johnson, of Washington, to be Ambassador to the Kingdom of Swaziland, David H. Kaeuper, of the District of Columbia, to be Ambassador to the Republic of Congo, Delano Eugene Lewis, Sr., of New Mexico, to be Ambassador to the Republic of South Africa, Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Federal Democratic Republic of Ethiopia, and Barbro A. Owens-Kirkpatrick, of California, to be Ambassador to the Republic of Niger, after the nominees testified and answered questions in their own behalf. Mr. Kolker was introduced by Senator Daschle and Representative Holt.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

- S. 486, to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, with an amendment in the nature of a substitute;
- S. 620, to grant a Federal charter to Korean War Veterans Association, Incorporated;
- S. 199, for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko;
- S. 275, for the relief of Suchada Kwong;
- S. 452, for the relief of Belinda McGregor, with an amendment; and
- The nomination of Mervyn M. Mosbacher, Jr., to be United States Attorney for the Southern District of Texas.

House of Representatives

Chamber Action


Reports Filed: Reports were filed today as follows:

- H.R. 853, to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, amended (H. Rept. 106–198 Pt. 2);
- H.R. 853, to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when
there is an on-budget surplus, amended (H. Rept. 106–198 Pt. 3);

H.R. 1867, to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office (H. Rept. 106–294);

H.R. 2668, to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, amended (H. Rept. 106–295);

H.R. 1922, to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office (H. Rept. 106–296, Pt. 1);

H.R. 417, to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, amended (H. Rept. 106–297, Pt. 1);

Conference report on S. 507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States (H. Rept. 106–298);

Conference report on H.R. 2587, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000 (H. Rept. 106–299);

H.R. 2559, to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, amended (Rept. 106–300); and

Conference report on S. 1059, to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces (Rept. 106–301).

Pages H7276–H7316, H7384–H7413 (continued next issue)

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Kolbe to act as Speaker pro tempore for today. Page H7251

Journal Vote: Agreed to the Speaker’s approval of the Journal of Wednesday, August 4, by a yeas and nay vote of 356 yea to 50 nays with 1 voting “present”, Roll No. 376. Pages H7251–52

Financial Freedom Act: The House agreed to the conference report on H.R. 2488, to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, to provide marriage penalty relief, to reduce taxes on savings and investments, to provide estate and gift tax relief, and to provide incentives for education savings and health care by yea and nay vote of 221 yeas to 206 nays, Roll No. 379.

Agreed to H. Res. 274, the rule that provided for consideration of the conference report was agreed to by a yeas and nay vote of 224 yeas to 203 nays, Roll No. 377.

Rejected the Rangel motion to recommit the conference report to the committee on conference with instructions, to the extent permitted within the scope of conference, to insist on limiting the net 10-year tax reduction to not more than 25% of the currently projected non-Social Security surpluses or if greater, the smallest tax reduction permitted within the scope of conference; and shall insist on not including any provision which would constitute a limited tax benefit within the meaning of the Line Item Veto Act in order to A. preserve 100% of the Social Security Trust Fund surpluses for the Social Security program and preserve 50% of the currently projected non-Social Security surpluses for purposes of reducing the publicly held national debt, and B. insure that there will be adequate budgetary resources available to extend the solvency of the Social Security and Medicare systems, and provide a Medicare prescription drug benefit, the by yea and nay vote of 205 yea to 221 nays, Roll No. 378.

Pages H7274–75


Pages H7317–84

Rejected the Bonior motion to recommit the bill to the Committee on Appropriations with instructions to report it back with an amendment that increases the amount provided for Community Oriented Policing Services to the amount requested in the President’s budget, with corresponding adjustments to keep the bill within the committee 302(B) allocation by a recorded vote of 208 ayes to 219 noes, Roll No. 386.

Pages H7362–83

Agreed to:

The Ehlers amendment that increases NOAA funding by $390,000 for research projects;

The Terry amendment that increases Merchant Marine Academy funding by $2 million for repair of buildings;

Pages H7318–19

The House passed
The Tiahrt amendment, as modified, that prohibits the expenditure of any funds to be used for joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agency; and

The Davis of Illinois amendment was offered, but subsequently withdrawn, that sought to prohibit any funds to be used for joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agency; and

The Dingell amendment was offered, but subsequently withdrawn, that sought to prohibit grants to states that have not certified that 95 percent or more of records evidencing a State judicial or executive determination are sent to the FBI to support implementation of or the preparation for the Kyoto Protocol;

The Crowley amendment was offered, but subsequently withdrawn, that sought to prohibit any funding to be used for joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agency; and

The Jackson-Lee amendment was offered, but subsequently withdrawn, that sought to prohibit any funding to be used for joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agency; and

The Campbell amendment was offered, but subsequently withdrawn, that sought to require that aliens have access to secret evidence used to detain or deport them;

The Wynn amendment was offered, but subsequently withdrawn, that sought to increase funding for the Equal Employment Opportunity Commission by $33 million and reduce Administration of Foreign Affairs funding accordingly;

The Crowley amendment was offered, but subsequently withdrawn, that sought to establish new ground Check System; and

The Crowley amendment was offered, but subsequently withdrawn, that sought to prohibit any funds to be used for the filing of a complaint or any motion seeking injunctive relief in any legal action brought under the North American Free Trade Agreement Implementation Act or Uruguay Round Agreements Act (rejected by a recorded vote of 196 ayes to 226 noes, Roll No. 385).

Withdrawn:

The Stearns amendment was offered, but subsequently withdrawn, that sought to reduce State Department general administrative funding by $500,000 to highlight personnel issues relating to Ms. Linda Shenwick's employment at the U.S. Mission to the United Nations; and

The Inslee amendment was offered, but subsequently withdrawn, that sought to strike Section 620 that prohibits any funds appropriated to be used for the implementation of or the preparation for the Kyoto Protocol;

The Davis of Illinois amendment was offered, but subsequently withdrawn, that sought to prohibit any funds to be used for joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agency; and

The Dingell amendment was offered, but subsequently withdrawn, that sought to prohibit grants to states that have not certified that 95 percent or more of records evidencing a State judicial or executive determination are sent to the FBI to support implementation of or the preparation for the Kyoto Protocol; and

The Crowley amendment was offered, but subsequently withdrawn, that sought to establish new provisions cited as the Hate Crimes Prevention Act.

Late Report: The Commerce Committee received permission to have until midnight on September 7,

VA, HUD Appropriations: The House agreed to H. Res. 275, the rule providing for consideration of H.R. 2684, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000. Agreed to order the previous question by yea and nay vote of 217 yeas to 208 nays, Roll No. 388.

Legislative Branch Appropriations: The House agreed to the conference report on H.R. 1905, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000. Agreed to strike all after the enacting clause and insert the text of H.R. 1000, a similar House-passed bill. Agreed to the Senate amendments to H.R. 1568, to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act—clearing the measure for the President. Agreed to the Senate amendments to H.R. 1568, to provide technical, financial, and procurement assistance to veteran owned small businesses—clearing the measure for the President.

Water Resources Development Act: The House agreed to the conference report on S. 507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States—clearing the measure for the President.

Technical Corrections to Water Resources Development Act: The House agreed to the conference report on S. 507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States—clearing the measure for the President.

Extension of Aviation Programs: The House passed S. 1467, to extend the funding levels for aviation programs for 60 days. Subsequently, agreed to strike all after the enacting clause and insert the text of H.R. 1000, a similar House-passed bill. Agreed to amend the title.

The House then agreed to insist on its amendments to S. 1467 and ask for a conference. Agreed that notwithstanding any adjournment of the House until
Wednesday, September 8, 1999, the Speaker, Majority Leader, and Minority Leader were authorized to accept resignations and to make appointments authorized by law or by the House.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 8.

Presidential Message—Legislative Proposal: Read a letter from the President wherein he transmitted a legislative proposal entitled “Central American and Haitian Parity Act of 1999”—referred to the Committee on the Judiciary and ordered printed H. Doc. 106–114.

Senate Messages: Messages received from the Senate appear on pages H 7252, H 7356–77, H 7413, and H 7431.

Referral: S. 695 was referred to the Committee on Veterans’ Affairs. (See next issue.)

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear in the next issue.

Quorum Calls—Votes: Seven yea and nay votes and seven recorded votes developed during the proceedings of the House today and appear on pages H 7251–52, H 7260, H 7275, H 7275–76, H 7333–34, H 7376–77, H 7377–78, H 7378, H 7378–79, H 7379, H 7383, H 7384, H 7425, and H 7431. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and pursuant to the provisions of S. Con. Res. 51, adjourned at 12:13 a.m. on Friday, August 6 until 10:00 a.m. on Wednesday, September 8.

Committee Meetings

FOOD STAMP PROGRAM—REVIEW OPERATIONS
Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry held a hearing to review the operations of the Food Stamp Program. Testimony was heard from Shirley Watkins, Under Secretary, Food, Nutrition, and Consumer Services, USDA; Clarence H. Carter, Commissioner, Department of Social Services, State of Virginia; Douglas E. Howard, Director, Family Independence Agency, State of Michigan; Lynda G. Fox, Secretary, Department of Human Resources, State of Maryland; Melba L. Price, Associate Director, Department of Social Services, State of Missouri; and public witnesses.

U.S. FUTURE EXCHANGES—REGULATORY RELIEF
Committee on Agriculture, Subcommittee on Risk Management, Research, and Specialty Crops held a hearing to review regulatory relief for U.S. futures exchange changes. Testimony was heard from the following officials of the Commodity Futures Trading Commission: David D. Spears, Acting Chairman; Barbara Pederson Holum, James E. Newcombe and Thomas J. Erickson, all Commissioners; and public witnesses.

MISCELLANEOUS MEASURES


CAMPAIGN FINANCE FIGURES
Committee on Government Reform: Held a hearing on “White House Insider Mark Middleton: His Ties to John Huang, Charlie Trie, and Other Campaign Finance Figures”. In refusing to give testimony, Mark Middleton invoked Fifth Amendment privileges.

MISCELLANEOUS MEASURES
Committee on the Judiciary, Subcommittee on Crime held a hearing on the following bills: H.R. 2558, Prison Industries Reform Act of 1999; and H.R. 2551, Federal Prison Industries Competition in Contracting Act of 1999. Testimony was heard from Representative Hoekstra; Kathleen M. Hawk Sawyer, Director, Bureau of Prisons, Department of Justice; Reginald A. Wilkson, Director, Department of Rehabilitation and Correction, State of Ohio; and public witnesses.

OVERSIGHT
Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on the H–1B Temporary Professional Worker Visa Program. Testimony was heard from public witnesses.

OUTER CONTINENTAL SHELF LEASING—LANDS OFFSHORE FLORIDA
Committee on Resources, Subcommittee on Energy and Mineral Resources held a hearing on H.R. 33, imposing certain restrictions and requirements on the leasing under the Outer Continental Shelf Lands Act of lands offshore Florida. Testimony was heard from Representative Goss; Walt Rosenbusch, Director, Minerals Management Service, Department of the Interior; Jay Hakes, Administrator, Energy Information Administration, Department of Energy; Mike Joyner, Director, Legislative and Governmental Affairs, State of Florida; and a public witness.

COASTAL COMMUNITY CONSERVATION ACT
Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action, amended, H.R. 2669, Coastal Community Conservation Act of 1999.
MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on National Parks and Public Lands approved for full Committee action the following bills: H.R. 20, Upper Delaware Scenic and Recreational River Mongaup Visitor Center Act of 1999; H.R. 748, amended, to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission; H.R. 1615, amended, to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission; H.R. 1665, amended, to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation; H.R. 2140, amended, to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; and H.R. 2339, National Discovery Trails Act of 1999.

BIPARTISAN CAMPAIGN FINANCE REFORM ACT
Committee on Rules: Granted by voice vote, a structured rule providing one hour of general debate on H.R. 417, Bipartisan Campaign Finance Reform Act of 1999 divided equally between the chairman and ranking minority member of the Committee on House Administration. The rule makes in order only those amendments printed in the Rules Committee report. The rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The rule also waives all points of order against the amendments printed in the report except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the bill for amendment. The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Weller, Becerra, Regula and Miller of Florida; Susan G. Esserman, Deputy U.S. Trade Representative; Sheldon R. Jones, Director, Department of Agriculture, State of Arizona; and public witnesses.

CONFERENCE REPORT—WATER RESOURCES DEVELOPMENT ACT
Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany S. 507, Water Resources Development Act of 1999, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Boehlert.

MISCELLANEOUS MEASURES
Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 2681, Rail Passenger Disaster Family Assistance Act; H.R. 2679, Motor Carrier Safety Act of 1999; H. Con. Res. 171, congratulating the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation; and H.R. 1300, amended, Recycle America's Land Act of 1999.

The Committee also approved the following: 1 lease resolution; 1 repair and alteration resolution; and Corps of Engineers Survey resolutions.

U.S. NEGOTIATING OBJECTIVES—WTO SEATTLE MINISTERIAL MEETING
Committee on Ways and Means: Subcommittee on Trade held a hearing on United States Negotiating Objectives for the WTO Seattle Ministerial Meeting. Testimony was heard from Representatives Weller, Becerra, Regula and Miller of Florida; Susan G. Esserman, Deputy U.S. Trade Representative; Sheldon R. Jones, Director, Department of Agriculture, State of Arizona; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, AUGUST 6, 1999
(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on the Narcotics Threat from Colombia, 9 a.m., 2154 Rayburn.

Joint Meetings
Joint Economic Committee to hold hearings on the employment and unemployment situation for July, 9:30 a.m., 2212 Rayburn Building.
Next Meeting of the SENATE
12 noon, Wednesday, September 8

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate will resume consideration of H.R. 2466, Department of the Interior Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, September 8

House Chamber

Program for Wednesday: To be announced.

(House proceedings for today will be continued in the next issue of the Record.)