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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 27, 1999.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, 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. 2684. An act 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, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2684) ''An Act 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, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. STEVENS, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. BYRD, and Mr. INOUYE, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words from a Prayer of Moses:

Lord, You have been our dwelling place in all generations.

Before the mountains were brought forth, or ever You had formed the earth and the world, from everlasting to everlasting You are God.

You turn us back to dust, and say, ''Turn back, you mortals.''

For a thousand years in Your sight are like yesterday when it is past, or like a watch in the night.

So teach us to count our days that we may gain a wise heart. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

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

CHINA NOT TRULY READY FOR NTR

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

Mr. GIBBONS. Madam Speaker, the old adage that ''old habits die hard'' could not be more appropriate to what has occurred in China since this Congress last July voted to renew most-favored-nation status, now called normal trade relations, or NTR, for another year.

I would like to provide a short update, because many so-called administrative experts are calling for the granting of permanent NTR for China before the end of this year. I want you to judge for yourself.

Get this: Police in Southern China arrested 31 people and demolished three churches just to crush a Protestant religious group. The expectation is that these church leaders will receive a show trial which will be a mockery of justice with no due process and be subject to severe sentences, all because of their choice of worship.

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And get this: A recent revelation by the Washington Post, 100,000 people, that is right, 100,000 people were recently arrested, all in preparation for the celebrations China has planned for the 50th anniversary of the Communist rule. One hundred thousand people put in jail under the guise of social stability and safety. How ironic.

Madam Speaker, NTR as it applies to China actually stands for ''not truly ready.'' I urge my colleagues and the administration to think hard before we make this choice of permanent status.

I yield back the balance of my time and any common sense remaining regarding our efforts with China.

GIULIANI CUTS FUNDS TO BROOKLYN ART MUSEUM

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

Mr. TRAFICANT. Madam Speaker, I agree with New York Mayor Giuliani for cutting funds to the Brooklyn Museum of Art. Their latest show features the bust of a man frozen in his own blood, a small pig sliced in half and preserved in a bottle of formaldehyde, and a portrait of the Virgin Mary splattered with elephant feces. Art, Madam Speaker? My ascot.

Let us tell it like it is. The truth is the art world has gone from Michelangelo's Sistine Chapel to Lorena Bobbit's pristine scalpel. Beam me up.

I yield back the trash, not treasures, of the Brooklyn Museum of Disgusting Art.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

NATIONAL PARKS AIR TOUR MANAGEMENT ACT OF 1999

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 717) to amend title 49, United States Code, to regulate overflights of national parks, and for other purposes, as amended.

The Clerk read as follows:

H.R. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION SHORT TITLE.

This Act may be cited as the ''National Parks Air Tour Management Act of 1999''.

SEC. 2. 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 of conserving the scenery and natural and historic 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, composed 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 Act reflects the recommendations made by that Group.

SEC. 3. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by adding at the end the following:

''§ 40125. Overflights of national parks

''(a) IN GENERAL.—

''(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park (including tribal lands) except—

''(A) in accordance with this section;

''(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

''(C) in accordance with any applicable air tour management plan for the park.

''(2) APPLICATION FOR OPERATING AUTHORITY.—

''(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park (including tribal lands), a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the 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 specified 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) responsiveness 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 and 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.

''(3) EXCEPTION.—

''(A) IN GENERAL.—If a commercial air tour operator secures a letter of agreement from the Administrator and the superintendent 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 may conduct such operations 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 5 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 (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park (including tribal lands). The Administrator shall act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park (including tribal lands) for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

''(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources, visitor experiences, and tribal lands.

''(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) (including a finding of no significant impact, an environmental assessment, and an environmental

impact statement) and the record of decision for the air tour management plan.

''(3) CONTENTS.—An air tour management plan for a national park—

''(A) may limit or prohibit commercial air tour operations;

''(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour operation routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of adverse noise, visual, or other impacts;

''(C) may apply to all commercial air tour operations;

''(D) shall include incentives (such as preferred commercial air tour operation routes and altitudes and relief from flight caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over the park;

''(E) shall provide a system for allocating opportunities to conduct commercial air tours if the air tour management plan includes a limitation on the number of commercial air tour operations for any time period; and

''(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

''(4) PROCEDURE.—In establishing an air tour management plan for a national park (including tribal lands), the Administrator and the Director shall—

''(A) hold at least one public meeting with interested parties to develop the air tour management plan;

''(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

''(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

''(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park, as a cooperating agency under the regulations referred to in subparagraph (C).

''(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

''(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

''(c) DETERMINATION OF COMMERCIAL AIR TOUR OPERATION STATUS.—In making a determination of whether a flight is a commercial air tour operation, the Administrator may consider—

''(1) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

''(2) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

''(3) the area of operation;

''(4) the frequency of flights conducted by the person offering the flight;

''(5) the route of flight;

''(6) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

''(7) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

''(8) any other factors that the Administrator considers appropriate.

''(d) INTERIM OPERATING AUTHORITY.—

''(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park (including tribal lands) for which the operator is an existing commercial air tour operator.

''(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

''(A) shall provide annual authorization only for the greater of—

''(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of this section; or

''(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

''(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

''(C) shall be published in the Federal Register to provide notice and opportunity for comment;

''(D) may be revoked by the Administrator for cause;

''(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or the tribal lands;

''(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

''(G) shall promote safe operations of the commercial air tour;

''(H) shall promote the adoption of quiet technology, as appropriate; and

''(I) shall allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

''(e) EXEMPTIONS.—

''(1) IN GENERAL.—Except as provided by paragraph (2), this section shall not apply to—

''(A) the Grand Canyon National Park;

''(B) tribal lands within or abutting the Grand Canyon National Park; or

''(C) any unit of the National Park System located in Alaska or any other land or water located in Alaska.

''(2) EXCEPTION.—This section shall apply to the Grand Canyon National Park if section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note; 101 Stat. 674–678) is no longer in effect.

''(3) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area solely, as a transportation route, to conduct an air tour over the Grand Canyon National Park.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

''(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of enactment of this section.

''(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

''(A) applies for operating authority as a commercial air tour operator for a national park; and

''(B) has not engaged in the business of providing commercial air tour operations over the national park (including tribal lands) in the 12-month period preceding the application.

''(4) COMMERCIAL AIR TOUR OPERATION.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

''(A) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

''(B) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside 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 defined in section 1151 of title 18, United States Code) that is within or abutting a national park.

''(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 401 of title 49, United States Code, is amended by adding at the end the following:

''40125. Overflights of national parks.''.

SEC. 4. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service

shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this Act and the amendments made by this Act;

(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 operations over a national park (including tribal lands).

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory 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. 5. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of 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 operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for 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 Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Director shall jointly transmit a report to Congress on the effectiveness of this Act in providing incentives for the development and use of quiet aircraft technology.

SEC. 6. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) DIRECTOR.—The term ''Director'' means the Director of the National Park Service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Madam Speaker, H.R. 717 is an important bill. It represents an historic consensus among Members of Congress and between the air tour industry, conservationists and Federal regulators.

Last Congress, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI) and I as well as several of our distinguished colleagues introduced the National Parks Air Tour Management Act of 1998.

This bill passed the House with tremendous support, but unfortunately foundered due to the slot controversy that overwhelmed us at the end of the 105th Congress.

This bill strikes a balance between air tour operators and conservationists, Native American interests and jurisdictional divisions between the Federal Aviation Administration and the National Park Service. It brings together groups that started very far apart, Madam Speaker, and is a very good bill because of the compromise that it reaches.

The bill promotes safety and quiet in national parks by establishing a process for developing air tour flight management in and around our national parks.

It accomplishes this while ensuring that the FAA has sole authority to control airspace over the United States and that the National Park Service has the responsibility to manage park resources.

Under this legislation, both agencies will work together to develop air tour management plans over national parks to ensure that these air tours are conducted in a safe, efficient and unintrusive, meaning very quiet, manner. At the same time, these air tour management plans will ensure that both air and land visitors to the park are able to experience the park's natural beauty and natural quiet.

I have participated along with many of my colleagues in several hearings over the years on this issue of overflights over our national parks. In 1997, the gentleman from Utah (Mr. HANSEN) of the Subcommittee on National Parks and Public Lands and myself held a field hearing on this issue in St. George, Utah. At that time it appeared that it would be extremely difficult to be able to reach a consensus on this matter because everyone was so far apart. However, with resolve and determination, we have worked out our differences and have crafted legislation that is acceptable to all concerned.

Finally, Madam Speaker, I would like to acknowledge the hard work and dedication of the National Parks Overflights Working Group. These working group members were selected by the administration and represent the air tour, environmental and Native American communities. Together with the Federal Aviation Administration and the National Park Service, this group negotiated together and came up with a framework for regulating air tours over national parks.

I am proud of the efforts made on this bill. The agreements that we reached will ensure that ground visitors and the elderly, disabled and time-constrained traveler may continue to enjoy the scenic beauty of our national parks for generations to come.

We have made a few small changes in the bill to ensure that it is consistent with our agreement with the Committee on Resources. This is a good bill. I strongly urge my fellow Members to support it.

Madam Speaker, I reserve the balance of my time.

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

I rise today in support of H.R. 717, the National Parks Air Tour Management Act of 1999 which was reported favorably by both the Subcommittee on Aviation and the full Committee on Transportation and Infrastructure.

I want to thank the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Minnesota (Mr. OBERSTAR) for introducing H.R. 717. This bill addresses the important issue of managing air tours over America's national parks, and I am very proud to support it.

For 2 years, the National Parks Overflights Working Group, comprised of the Federal Aviation Administration, the National Park Service, the air tour industry, general aviation and environmental and Native American interests, have held a series of discussions about the effects of aircraft noise on national parks. H.R. 717 is a product of those discussions.

H.R. 717 balances the interests of both air tour and land visitors to our Nation's park system. Over the past several years, many national parks have experienced significant increases in the volume of air tour activity. Recent studies indicate that at least 5 million passengers viewed our Nation's parks by air last year alone. This increase in air traffic and the resulting noise pollution can be disturbing to the quiet enjoyment of hikers and other ground tourists visiting our parks.

The bill seeks to promote safety and quiet in national parks by establishing a process for developing air tour flight management plans in and around our national parks. The bill would require commercial air tour operators that conduct tours in national parks or tribal lands to comply with an air tour management plan. The commercial air tour operator would have to apply for authority to conduct operations over a park and the FAA administrator would prescribe operating conditions and limitations for each air tour operator in

accordance with the appropriate ATMP.

Additionally, ATMPs are to be developed through public process. The final record of decision is subject to judicial review. The objective of the ATMP is to develop acceptable measures to mitigate the adverse impacts of commercial air tours upon national and cultural resources in national parks and tribal lands.

I urge my colleagues to support this important legislation which will help protect our Nation's natural and cultural resources.

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

Mr. DUNCAN. Madam Speaker, I urge all Members to support the National Parks Air Tour Management Act of 1999.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 717, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING EUROPEAN COUNCIL NOISE RULE AFFECTING HUSHKITTED AND REENGINED AIRCRAFT

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 187) expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft, as amended.

The Clerk read as follows:

H. CON. RES. 187

Whereas for more than 50 years, the International Civil Aviation Organization (in this resolution referred to as the ''ICAO'') has been the single entity vested with authority to establish international noise and emissions standards and, through the ICAO's efforts, aircraft noise has decreased by an average of 40 percent since 1970;

Whereas the ICAO is currently working on an expedited basis on even more stringent international noise standards, taking into account economic reasonableness, technical feasibility, and environmental benefits;

Whereas international noise and emissions standards are critical to maintaining the economic viability of United States aeronautical industries and to obtaining their ongoing commitment to progressively more stringent noise reduction efforts;

Whereas European Council Regulation No. 925/1999, banning certain aircraft meeting the highest internationally recognized noise standards from flying in Europe, undermines the integrity of the ICAO process and undercuts the likelihood that new Stage 4 aircraft noise standards will be developed;

Whereas while no regional standard is acceptable, European Council Regulation No. 925/1999 is particularly offensive because there is no scientific basis for the regulation and because the regulation has been carefully crafted to protect European aviation interests while imposing arbitrary, substantial, and unfounded cost burdens on United States aeronautical industries;

Whereas the vast majority of aircraft that will be affected by European Council Regulation No. 925/1999 are operated by United States flag carriers; and

Whereas implementation of European Council Regulation No. 925/1999 will result in a loss of jobs in the United States and may cost United States aeronautical industries in excess of $2,000,000,000: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) if European Council Regulation No. 925/1999 is not rescinded by the European Council at the earliest possible date, the Secretaries of Transportation and State should take all appropriate actions to ensure that a petition regarding the regulation is filed with the International Civil Aviation Organization pursuant to Article 84 of the Chicago Convention; and

(2) the Secretaries of Commerce, State, and Transportation and other appropriate parties should use all reasonable means available to them to ensure that the goal of having the regulation rescinded is achieved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Madam Speaker, this is a very good resolution. I think also a very strong resolution. It targets a European Union regulation that unfairly restricts the use of hushkitted and reengined aircraft in the European Union. The EU seeks to ban these aircraft, which are mostly U.S.-owned, from use beginning in 2002. The European Union claims that the regulation is written to target excessively noisy aircraft.

However, its argument ignores the fact that the aircraft it seeks to ban have been modified to meet all U.S. and international noise restrictions. It also ignores the fact that the regulation allows noisier aircraft to operate in Europe than those it seeks to ban. Let me repeat that, Madam Speaker. This regulation by the EU bans primarily U.S. aircraft, almost exclusively U.S. aircraft, and would allow noisier European aircraft than those U.S. aircraft that this rule would ban.

The resolution directs the U.S. Government to take all immediate steps available to ensure that the regulation is rescinded as soon as possible.

□ 1415

If this is not done, Madam Speaker, the resolution also directs the Department of Transportation to take all available steps to ensure that a dispute resolution petition is filed with the International Civil Aviation Association.

We are making a small change in the resolution and directing the Department of State to take a role in beginning the dispute resolution process also. There has been strong interest recently regarding the status of this regulation. The House Subcommittee on Aviation, which I have the privilege to chair, held a hearing on the issue earlier this month. The subcommittee heard testimony about the great chilling effect of the regulation on the U.S. aviation industry. The European regulation has already cost the industry many, many millions in lost hushkit sales. It expects to lose much more in engine and spare parts sales. The estimates are that the industry could lose as much as $2 billion. In fact, some people estimate that the losses already total over 1 billion and that ultimately U.S. industry could lose as much as $2 billion if this European Union regulation is not eliminated.

This issue has already been visited by this body at one time. Earlier this year, the House passed legislation sponsored by my good friend, the gentleman from Minnesota (Mr. OBERSTAR), that would ban the use of the Concorde in the U.S. if the EU regulation was passed. The EU passed its regulation anyway but agreed to defer its implementation for a year. The regulation, though, is adversely affecting U.S. industry even though the EU deferred the implementation of the regulation. Further deferral will only magnify this effect. This discriminatory regulation must be rescinded, and it must be done quickly.

I would like to thank the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) of the Committee on International Relations for all their hard work and cooperation on this issue. In addition, the chairman, the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) have devoted a great deal of time and attention to this issue. I strongly support this resolution, and I urge all of my colleagues to do the same.

Madam Speaker I reserve the balance of my time.

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

I would like to commend the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), my distinguished subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), and the gentleman from Illinois (Mr. LIPINSKI) for introducing House Concurrent Resolution 187 expressing the sense of Congress regarding the European Council Noise Rule affecting hushkitted and reengined aircraft. I urge my colleagues to support this swift and decisive response to a harsh and unjustified European Union noise-reduction regulation which would harm American industry.

The International Civic Aviation Organization, ICAO, created by the Chicago Convention, sets and administers international certification standards for aircraft. Once an aircraft is certified as having met ICAO standards, there should be no restrictions on an operator's use of that aircraft in ICAO member countries. Simply put, ICAO certification gives operators and investors assurances of worldwide marketability.

ICAO has promulgated international noise restrictions known as Chapter 3 noise restrictions. Chapter 3 noise restrictions, similar to U.S. Stage 3 noise restrictions, are currently the most stringent noise restriction in the world. An aircraft may meet Chapter 3 noise restriction by various means. The most common means are, one, purchasing new, quieter aircraft; two, modifying a noisy engine with a device known as a hushkit; or, three, putting quieter State 3-compliant engines on Stage 2 aircraft, a process known as reengining.

The European Union has adopted a regulation that will severely restrict the use of hushkitted and reengined aircraft in Europe despite the fact that these aircraft meet all Stage 3 and Chapter 3 noise compliance regulations. The European Union regulation targets and prohibits long-standing and generally accepted measures for bringing older engines into compliance with current noise regulations; and in doing so, this European Union regulation violates universally recognized international obligations.

Article 33 of the Chicago Convention mandates universal recognition of an airline's air worthiness certificate where an aircraft conforms with ICAO standards. Further, the hushkit industry is almost entirely U.S. based. This regulation would have a discriminatory impact on U.S. hushkit manufacturers and U.S. owners of hushkitted aircraft.

The European Union cites noise pollution and adverse environmental impact as a justification for imposing the hushkit ban. However, there has been no credible evidence that the regulation has any environmental basis. Additionally, the aircraft targeted by the regulation would be banned from airports where noise is not a problem.

I urge my colleagues to support the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) in expressing a sense of Congress that we expect the European Union to comply with international law and abandon its efforts to promulgate this protectionist measure. If this does not happen, we urge the administration to use all options available, including filing an article 84 petition with ICAO to ensure that the goal of rescinding this regulation is met.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the Chairman of the Committee on International Relations.

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

Mr. GILMAN. Madam Speaker, the European Union has passed regrettable legislation that is supposed to help control noise around their airports; but the European legislation will, in fact, let noisy European airplanes fly and will ban quieter American planes. It imposes a design standard rather than a performance standard that oddly enough favors European interests.

Europeans often accuse us of unilateralism, but this regulation strikes at the very heart of an international agreement on whether airplanes can fly internationally or not. The European legislation will come into full effect this spring if nothing is done. There are negotiations under way to achieve this settlement acceptable to both sides; but while the European legislation will come into effect automatically, we will have no ready response.

One response that has passed the House is a measure that would result in a ban on the Concorde landing in our Nation if this law does take effect. Banning the Concorde would result in a lowering by about 20 percent of the airport noise in New York City, by the way. This legislation asks the administration to bring a case under the International Civil Aviation Organization, ICAO, and determine what our rights are. I believe that this procedure, which will take some time, Madam Speaker, is a good counterweight to the impending European legislation.

We do hope that a less solution that permits an improvement in noise control standards over time by an international consensus can be reached. It may be that bringing this ICAO case will help put some pressure on the Europeans to come to a reasonable solution. Accordingly, I hope that members will support this resolution.

We marked this resolution up in our Committee on International Relations just last week, Madam Speaker, and our committee has asked me to support its coming up on suspension.

I appreciate the leadership by the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee, and the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democrat on the full committee, all of whom, Madam Speaker, have taken a great interest in this matter. We will continue to work with the Europeans on this through every available channel.

Again, we hope that this measure will pass by an overwhelming vote, and I urge my colleagues to be supportive.

I thank the gentleman for having yielded the time to me.

Mr. MCGOVERN. Madam Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking member of the Committee on International Relations.

Mr. GEJDENSON. Madam Speaker, I would like to thank particularly the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) for their great help on this legislation. This is not just about aircraft or engines, it is not simply about the impact on a Pratt and Whitney in my State or other companies in other States. This is a telling sign of how the Europeans plan to restrict American access, American products' access, Madam Speaker, to the European market.

We have all seen that international trade agreements have lowered tariff and other barriers, and sometimes we hear debate about nontariff barriers. Well, what does that mean? Well, what that means is when Americans have a better product, our jet engines are better, they are priced better, they perform better, and they meet the noise standards which are measured in decibels. The Europeans come up with a standard that does not use decibels in the measurement; and as a result of that, they go to a design mechanism and use that to restrict access of American jet engines to the European market.

For my colleagues who may not be involved in jet engine or airplane manufacturing, if the Europeans are successful here in blocking an American product by using not the standard with which we measure noise, but a fabricated standard based on construction that has nothing to do with noise, then we will see the same kind of restrictions for every other American product in every other sector; and, Madam Speaker, that will have an incredibly adverse impact on each and every one of our districts and this country.

The United States is among the most open markets in the world, and we expect to see challenges from developing and poor nations. But when we are competing with the wealthiest nations, the most developed nations on the face of the Earth, to see the European Union trying to use this ruse as an attempt to keep out our products, it foretells of dangerous times ahead in trade. We have a healthy economy, the American economy is strong, our budget surplus is strong. All those things can become in danger if we do not act now.

Again let me commend my colleagues, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. SHUSTER), for their excellent work; and I thank the gentleman from New York (Mr. GILMAN) for his cooperation and support on this effort.

Mr. DUNCAN. Madam Speaker, I have no other speakers at this point, and I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I thank the gentleman for yielding this

time to me, and I want to express my great appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN) for moving again so quickly on this issue of EU hushkit discriminatory regulation and express my appreciation to the gentleman from Illinois (Mr. LIPINSKI) for his strong support, as one ranking member of the Subcommittee on Aviation, and to our colleagues on the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON).

Earlier last year, Madam Speaker, the European Parliament passed a regulation restricting the use of aircraft that would operate within the EU territory that used either hushkitted or reengined engines on their aircraft even though such aircraft comply with the U.S. Stage 3 noise reduction requirements.

As you look at it, on the face of it, the EU says this is legislation necessary to reduce aircraft noise in our congested metropolitan areas that are close to airports. But looking deeper beneath the surface, this is simply economic discrimination masquerading as noise regulation.

I would just take my colleagues back a few years to 1990 when in this Chamber on this floor we debated extensively, and there are members of the staff who can recall it very clearly. I see the majority Counsel of the Subcommittee on Aviation, Mr. Schaffer, smiling who was here at the time; Mr. Heymsfeld on our side, who was chief of staff at the time. We hassled our way through; we chiseled it out of stone word by word, issue by issue, a far-ranging noise regulation that was 2 years ahead of anything Europe was even contemplating, or ICAO in the international arena.

□ 1430

We worked it out, to reduce from 2,360 Stage 2 aircraft in 1990 to zero by the end of this year, reducing from 7.5 million the number of people impacted by unacceptable noise to roughly 500,000 or 600,000 by the end of this year, a 90-plus percent reduction in noise, 2 years ahead of Europe. Along comes the European community and complains that the United States forced the technology, forced a particular kind of engine and hushkitting so as to gain economic advantage over Europe.

There is one word for that argument: Baloney. They knew what we were doing; they knew they could not meet our standards; and they did not want to get up to speed with the United States. They still have not achieved a Stage 3 standard all throughout the European community, and now they want to discriminate against American aircraft that our airlines have equipped to meet our Stage 3 requirements and wish to sell to non-EU countries who wish to operate those aircraft within the European community.

It is that simple. So when the word became very clear about what the European community was up to, the Clinton Administration acted very quickly, moved decisively to complain about the blatantly discriminatory attack on U.S. air carriers and equipment and aviation trade, but Europe did not budge.

So, again it was our committee that moved quickly and decisively earlier this year, again with the support of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN), to act quickly on legislation that I introduced with their and Mr. LIPINSKI's support to ban the operation of the Concorde in U.S. airspace.

If you want something that violates noise rules, the Concorde is it. If you take the Concorde out of the New York air space, you reduce 20 percent of the noise inflicted upon people living in the New York air space.

Well, that quick action by our committee and by the House got the attention of the European community and they moved to negotiate with the United States to allow U.S. aircraft to be sold and operated into the European Union through May of next year, but without protective language that guarantees the purchaser of such aircraft the right to operate the aircraft within the EU. So they created a hollow shell, and they have refused to move any further.

Now, I understand there have been elections within the European parliament electing a whole new body. They have not reconstituted their Transport Committee. The European Parliament has to take certain steps to reformulate that committee and then the new committee should have a proper period of time to reconsider the healthiest rule. But there is a ministerial group within the EU that could have acted a long time ago decisively to move to show good faith, and they have not shown good faith.

That is why we have to have this legislation, to press upon the Secretary of Transportation and the Secretary of State to protest the EU regulation by filing an Article 84 petition under ICAO. I urge the administration, without waiting for the Senate to act on this legislation, to move decisively. File the Section 84 petition. File that notice of total discontent and disapproval of European inaction and discriminatory posture toward the United States, and the Europeans will see the light.

What is at stake is nothing less than the $100 billion U.S. airlines have invested to convert our Stage 2 fleet to Stage 3, and the hundreds of millions of dollars more that U.S. air carriers and the FAA and others have invested in research and development of quieter engines and air frames to move to stage 3 and the next stage, which will be called Stage 4. But unless the EU acts, we are going to see U.S. carriers deprived of something in the neighborhood of $1.6 billion in sales of aircraft, engines, and spare parts to countries who wish to operate these aircraft into the EU air space, aircraft that are quieter than aircraft operated by European carriers.

Now, I will be happy to engage in a debate with the European Union members of parliament at any time. I will be happy to take on any number of them who wish to debate the issue of compliance with Stage 3, the move toward Stage 4 and who has the better technology, because I guarantee you, U.S. air carriers, U.S. manufacturers, are ahead of the field, ahead of anything in Europe, ahead of any other country in the world.

So, Madam Speaker, I commend the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Pennsylvania (Mr. SHUSTER) for standing up for what is right, for what is fair, for American leadership in aviation, to restore this country and maintain its leadership in aviation throughout the world.

We ought to pass this resolution; the administration ought to act decisively; and we ought to wait no longer for word from a European community that is determined to support a cartel in the sector of aviation airframe and engine technology.

Mr. MCGOVERN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Madam Speaker, let me first of all say I want to commend the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for his strong and decisive leadership on this particular issue. As has been pointed out by Mr. OBERSTAR and several other speakers and myself, this is not a noise issue, it is a trade issue, and one that is aimed squarely and unfairly at the U.S. It could cost our economy as much as $2 billion in a very short time. As several speakers have pointed out, the EU regulation allows noisier European aircraft while banning quieter U.S. aircraft. This is a very good resolution, and I urge all Members to support it.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 187, as amended.

The question was taken.

Mr. DUNCAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CENTENNIAL OF FLIGHT COMMEMORATION ACT CORRECTIONS

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the Senate bill (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.).

The Clerk read as follows:

S. 1072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CENTENNIAL OF FLIGHT COMMISSION.

The Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.) is amended—

(1) in section 4—

(A) in subsection (a)—

(i) in paragraphs (1) and (2) by striking ''or his designee'';

(ii) in paragraph (3) by striking '', or his designee'' and inserting ''to represent the interests of the Foundation''; and in paragraph (3) strike the word ''chairman'' and insert the word ''president'';

(iii) in paragraph (4) by striking '', or his designee'' and inserting ''to represent the interests of the 2003 Committee'';

(iv) in paragraph (5) by inserting before the period ''and shall represent the interests of such aeronautical entities''; and

(v) in paragraph (6) by striking '', or his designee'';

(B) by striking subsection (f);

(C) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(D) by inserting after subsection (a) the following:

''(b) ALTERNATES.—Each member described under subsection (a) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.'';

(2) in section 5—

(A) in subsection (a)—

(i) by inserting ''provide recommendations and advice to the President, Congress, and Federal agencies on the most effective ways to'' after ''The Commission shall'';

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively;

(B) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

''(b) INTERNATIONAL ACTIVITIES.—The Commission may—

''(1) advise the United States with regard to gaining support for and facilitating international recognition of the importance of aviation history in general and the centennial of powered flight in particular; and

''(2) attend international meetings regarding such activities as advisors to official United States representatives or to gain or provide information for or about the activities of the Commission.''; and

(C) by adding at the end the following:

''(d) ADDITIONAL DUTIES.—The Commission may—

''(1)(A) assemble, write, and edit a calendar of events in the United States (and significant events in the world) dealing with the commemoration of the centennial of flight or the history of aviation;

''(B) actively solicit event information; and

''(C) disseminate the calendar by printing and distributing hard and electronic copies and making the calendar available on a web page on the Internet;

''(2) maintain a web page on the Internet for the public that includes activities related to the centennial of flight celebration and the history of aviation;

''(3) write and produce press releases about the centennial of flight celebration and the history of aviation;

''(4) solicit and respond to media inquiries and conduct media interviews on the centennial of flight celebration and the history of aviation;

''(5) initiate contact with individuals and organizations that have an interest in aviation to encourage such individuals and organizations to conduct their own activities in celebration of the centennial of flight;

''(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;

''(7) sponsor meetings of Federal agencies, State and local governments, and private individuals and organizations for the purpose of coordinating their activities in celebration of the centennial of flight; and

''(8) encourage organizations to publish works related to the history of aviation.'';

(3) in section 6(a)—

(A) in paragraph (2)—

(i) by striking the first sentence; and

(ii) in the second sentence—

(I) by striking ''the Federal'' and inserting ''a Federal''; and

(II) by striking ''the information'' and inserting ''information''; and

(B) in paragraph (3) by striking ''section 4(c)(2)'' and inserting ''section 4(d)(2)'';

(4) in section 6(c)(1) by striking ''the Commission may'' and inserting ''the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or an employee of the respective administration as designated by either Administrator) may, on behalf of the Commission,'';

(5) in section 7—

(A) in subsection (a) in the first sentence—

(i) by striking ''There'' and inserting ''Subject to subsection (h), there''; and

(ii) by inserting before the period ''or represented on the Advisory Board under section 12(b)(1) (A) through (E)'';

(B) in subsection (b) by striking ''The Commission'' and inserting ''Subject to subsection (h), the Commission'';

(C) by striking subsection (g);

(D) by redesignating subsection (h) as subsection (g); and

(E) by adding at the end the following:

''(h) LIMITATION.—Each member of the Commission described under section 4(a) (3), (4), and (5) may not make personnel decisions, including hiring, termination, and setting terms and conditions of employment.'';

(6) in section 9—

(A) in subsection (a)—

(i) by striking ''The Commission may'' and inserting ''After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may''; and

(ii) by striking ''its duties or that it'' and inserting ''the duties under this Act or that the Administrator of the National Aeronautics and Space Administration'';

(B) in subsection (b)—

(i) in the first sentence by striking ''The Commission shall have'' and inserting ''After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may exercise''; and

(ii) in the second sentence by striking ''that the Commission lawfully adopts'' and inserting ''adopted under subsection (a)''; and

(C) by amending subsection (d) to read as follows:

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), funds from licensing royalties received under this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

''(2) EXCESS FUNDS.—The Commission shall transfer any portion of funds in excess of funds necessary to carry out the duties described under paragraph (1), to the National Aeronautics and Space Administration to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.'';

(7) in section 10—

(A) in subsection (a)—

(i) in the first sentence, by striking ''activities of the Commission'' and inserting ''actions taken by the Commission in fulfillment of the Commission's duties under this Act'';

(ii) in paragraph (3), by adding ''and'' after the semicolon;

(iii) in paragraph (4), by striking the semicolon and ''and'' and inserting a period; and

(iv) by striking paragraph (5); and

(B) in subsection (b)(1) by striking ''activities'' and inserting ''recommendations'';

(8) in section 12—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraphs (A), (C), (D), and (E), by striking '', or the designee of the Secretary'';

(II) in subparagraph (B), by striking '', or the designee of the Librarian''; and

(III) in subparagraph (F)—

(aa) in clause (i) by striking ''government'' and inserting ''governmental entity''; and

(bb) by amending clause (ii) to read as follows:

''(ii) shall be selected among individuals who—

''(I) have earned an advanced degree related to aerospace history or science, or have actively and primarily worked in an aerospace related field during the 5-year period before appointment by the President; and

''(II) specifically represent 1 or more of the persons or groups enumerated under section 5(a)(1).''; and

(ii) by adding at the end the following:

''(2) ALTERNATES.—Each member described under paragraph (1) (A) through (E) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.''; and

(B) in subsection (h) by striking ''section 4(e)'' and inserting ''section 4(d)''; and

(9) in section 13—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Madam Speaker, last year legislation was enacted establishing a commission to commemorate the 100th anniversary

of powered flight. This commission is known as the Centennial of Flight Commission. Its purpose is to conduct publicity and public awareness activities designed to honor the achievement of the Wright Brothers.

It was on December 17, 1903, nearly a century ago, that these two bicycle shop owners from Dayton, Ohio, first proved that man could fly.

The bill before us now is really technical in nature. It makes some corrections to the Centennial of Flight Commemoration Act passed last year. After that act passed, the Justice Department pointed out potential conflict of interest problems with the commission's structure. In addition, the General Accounting Office has reported that the structure of previous commissions has resulted in mismanagement of funds and excessive hiring of consultants.

To correct these problems, the Senate, on August 5 of this year, passed Senate 1072, the bill before us now. This bill removes all executive functions from the commission; it transforms the commission into an advisory commission governed by the Federal Advisory Committee Act; it makes clear that the commission does not represent the United States; it specifies in greater detail the duties of the commission; it allows only the administrators of NASA or the FAA to enter into procurements or other legal agreements on behalf of the commission; it makes clear that the commission employees are Federal employees and restricts private members of the commission from participating in any personnel decisions; it authorize the NASA Administrator, in consultation with the commission, to devise a logo for the commission; and, finally it requires that the members of the commission's advisory board have earned advanced degrees in aerospace, history, or science.

I would like to thank the gentleman from North Carolina (Mr. JONES), the gentleman from Ohio (Mr. HOBSON), and the gentleman from Ohio (Mr. HALL) for their work in ensuring that this legislation could be brought to the floor today. Their states have a significant stake in the work of this commission; Ohio, because that is where the Wright brothers were from, and North Carolina, because that is where the first flight occurred.

Passage of this legislation today will clear the measure for the President and allow the Centennial of Flight Commission to begin the preparations for the commemoration in 2003.

I urge the House to approve this bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of S. 1072, the Centennial of Flight Commemoration Act.

On December 17, 1903, Orville and Wilbur Wright completed the first successful manned flight of a heavier-than-air-machine at Kitty Hawk, North Carolina. S. 1072 establishes a commission to coordinate the commemoration of this event.

This act, as was pointed out, was originally signed into law last year. Since that time, the Justice Department has advised the administration that certain portions of that law might violate the appointments clause of the Constitution.

S. 1072, as my colleague from Tennessee has already stated, makes the necessary constitutional corrections, and I urge my colleagues to vote for S. 1072 and support the celebration of the birth of flight.

Mr. DUNCAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Subcommittee on Aviation.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman for yielding me time, and I commend the chairman of the Subcommittee on Aviation for bringing this bill to the floor. The gentleman has aptly and appropriately described the technical changes that made necessary this legislation.

Madam Speaker, I just want to take this opportunity to highlight the significance of the legislation to create a commission that will coordinate appropriately and give proper significance to the 100th anniversary of flight.

The distinguished counsel of the Subcommittee on Aviation on the majority side, David Schaffer and I were at the 90th anniversary of powered flight at Kill Devil Hill, otherwise known as Kitty Hawk, North Carolina, on a day that was very reminiscent of the first day of powered flight: dreary, overcast, windy, damp, a biting cold day, that followed, in 1903, an equally bitter, cold, rainy night that left sleet and ice over the rather flimsy barn in which the Wright Brothers slept so that they could be ready early in the next morning to attempt an historic flight.

It literally brings chills, not just physically, but spiritually, to think of the momentous occasion on which they began that journey that brought us today to an industry that represents 6 percent of our gross domestic product; that, together with aerospace, employs nearly 1.5 million people and has a $100 billion payroll; and has put America at the forefront of technological advance; an industry that has made America the envy of the rest of the world, and has set a standard that the rest of the world measures itself by.

There will be many stories and many events that we will want to commemorate as this commission moves toward the 100th anniversary, but there is one that I think is appropriate in this body. It was told by my predecessor, John Blatnik, for whom I was administrative assistant. During the years Sam Rayburn served as Speaker, he and Mr. Rayburn were very close friends.

□ 1445

Early in 1961, the last year of speaker Rayburn's life on this floor, the House had just passed a very significant appropriations bill. Mr. Rayburn put his arm around John Blatnik's shoulder and said, ''This is a very nostalgic moment for me. Fifty years ago in this body, I voted for an appropriation of $50,000 to help two young kids perfect a flying machine for the U.S. Army; their name: the Wright brothers. Today I voted for the first appropriation,'' said Speaker Rayburn, ''to send a man to the moon and bring him back safely to Earth.''

As John Blatnik described it, Mr. Rayburn had tears in his eyes. For one person to have lived long enough to see the beginning of powered flight and the beginning of space travel is truly exceptional, and it is an account of visionary leadership that should be described and expressed as we move to the commemoration of the hundredth anniversary of flight, to understand fully how far we have come, what an extraordinary journey this all has been.

I thank the gentleman for bringing this resolution forward, and I urge the commission to begin forthwith, as soon as the necessary legislation is in place, its exceptional work of commemorating this historic milestone in powered flight.

Mr. HALL of Ohio. Madam Speaker, I rise in support of S. 1072, a bill making certain technical and other corrections to Public Law 105–389, the Centennial of Flight Commemoration Act of 1998.

On December 17, 1903, two brothers from Dayton, OH, Orville and Wilbur Wright, on the sands of Kitty Hawk, NC, flew the first manned, controlled, and sustained flight by a power-driven, heavier-than-air machine. The era of flight was born. As we approach the 100th anniversary of this historic event, the conquest of flight remains one of the greatest technological achievements of mankind.

The Centennial of Flight Commemoration Act of 1998 established a Federal commission to assist in commemoration of the centennial of powered flight in the year 2003 and to honor the achievements of the Wright brothers. This is similar to other commissions established to mark important events in our Nation's history.

When signing the bill into law, President Clinton issued a statement raising concerns from the Department of Justice and the Office of Government Ethics. Subsequently, the Commission determined that additional legislation was required for the Commission to carry out its mandate. Members of the Commission wrote the Speaker of the House and the President of the Senate requesting Congress act promptly to address the concerns raised in the President's signing statement.

JANUARY 12, 1999.

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

DEAR MR. SPEAKER: The Centennial of Flight Commemoration Act (the Act), P.L. 105–389, was signed by the President on November 13, 1998. It establishes a broadly based

Centennial of Flight Commission (the Commission) with members from both the public and private sectors. The purpose of the Commission is to coordinate and promote activities related to the one hundredth anniversary of what is indisputably one of the greatest achievements of the twentieth century—''the first successful, manned, free, controlled, and sustained flight by a power-driven, heavier-than-air machine.'' (the Act, Section 2(1))

Unfortunately, there are problems with the Act. Upon enactment, the President issued a signing statement noting Constitutional and ethical issues that require further legislative action to resolve, and pledging that ''[my] Administration will work closely with the Congress to address these issued in future legislation.'' As a result of these problems, the Commission is, for all practical intents and purposes, unable to carry out fully its functions under the law. Although two members of the Commission, those representing the National Aeronautics and Space Administration and the Federal Aviation Administration, are not personally affected by the issues the President has noted, the other members are unable to perform any meaningful duties. Because the broad participation of all of the members and all sectors of society is fundamental to the success of the Centennial celebration, the statute must be amended.

As stated in Section 2(4) of the Act, ''the achievement by the Wright brothers stands as a triumph of American ingenuity, inventiveness, and diligence.'' We ask you to approach this new legislative challenge with similar virtues. The one-hundredth anniversary of the flight is December 17, 2003. That date will not change, and the Commission's time to accomplish its important work is short and cannot be extended. Therefore we, the designated members of the Centennial of Flight Commission, urge the Congress to promptly amend the Act to resolve the problems that have been identified.

An identical letter has been sent to the President of the Senate.

Sincerely,

DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration.

JANE GARVEY,
Administrator, Federal Aviation Administration.

RICHARD T. HOWARD,
President, First Flight Centennial Foundation.

DONALD D. ENGEN,
Director, National Air and Space Museum.

J. BRADFORD TILLSON,
Chairman, Dayton 2003 Committee.

After discussions with the Department of Justice and the Office of Government Ethics, Senator MIKE DEWINE introduced S. 1072, the Centennial of Flight Corrections Act of 1999. The purpose of the bill is to amend the law so that the commission can carry out its original objective. Both the Department of Justice and the Office of Government Ethics concurred that S. 1072 does address the concerns raised in the signing statement.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 4, 1999.

Hon. MICHAEL DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATOR DEWINE: This letter responds to your letter of July 12, 1999, regarding S. 1072, a bill ''to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act,'' Pub. L. No. 105–389, 112 Stat. 3486.

S. 1072 would address the constitutional issues under the Act that previously were identified by the Department and noted in the President's signing statement. At present, the method of appointment of certain members of the Commission does not comply with the Appointments Clause of the Constitution. Accordingly, the Commission as currently established may not constitutionally exercise significant governmental authority, because only ''Officers'' appointed in conformity with the Appointments Clause may exercise such authority. *See Buckley v. Valeo*, 424 U.S. 1, 124–41 (1976). As the President stated in signing the Act into law, section 9 of the Act, which authorizes the Commission to devise a logo and regulate and license its use, is unconstitutional because it confers significant authority upon the Commission. See Statement by the President Upon Signing S. 1397, the ''Centennial of Flight Commemoration Act'' (Nov. 13, 1998); Appointments to the Commission on the Bicentennial of the Constitution, 8 Op. O.L.C. 200 (1984).

S. 1072 would amend section 9 of the Act to provide that the Commission's duties with respect to the logo shall be carried out by the Administrator of the National Aeronautics and Space Administration (''NASA''), after consultation with the Commission. Because the Administrator of NASA is appointed in a manner consistent with the Appointments Clause, this amendment would avoid the constitutional problem pertaining to the Commission's logo.

The President's signing statement also noted that: ''although section 5(a)(3) directs the Commission to 'plan and develop' its own commemorative activities, the Commission may not itself implement such activities because of Appointments Clause concerns.'' The bill would amend section 5(a) to make it clear that the Commission's duty to ''plan and develop'' commemorative activities (as well as its other duties under that subsection) is limited to ''provid[ing] recommendations and advice.'' This amendment would clarify that the Commission acts as a purely advisory body and would avoid any problem under the Appointments Clause.

After consultation with the Office of Government Ethics, we also believe that the bill addresses the conflict of interest issues described in the President's signing statement, by providing that members of the Commission who are employees of State governments or other financially interested entities cannot enter into contracts or make personnel decisions for the Commission and by enabling the State employees to serve as representatives of their employers in the discharge of purely advisory functions.

Thank you for the opportunity to present our views. Please let us know if we may be of further assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

JON P. JENNINGS,
Acting Assistant Attorney General.

U.S. OFFICE OF GOVERNMENT ETHICS,
Washington, DC, August 3, 1999.

Hon. TONY P. HALL,
House of Representatives, Washington, DC.

DEAR MR. HALL: This letter responds to your letter of July 12, 1999 and the proposed amendment to S. 1072 faxed to this Office on August 2, 1999.

We have reviewed the text of S. 1072 as reported and the proposed amendment. Based upon our review, we believe that if S. 1072 is enacted with this amendment, members of the Centennial of Flight Commission who are not already Federal officers or employees can, for conflicts of interest purposes, be treated as ''representatives'' of the organizations from which they are to be selected. Thus, the conflict of interest laws will not apply to them. This result will address the conflict of interest concerns raised in the President's signing statement which accompanied the Centennial of Flight Commemoration Act.

We have reached this conclusion after consultation with the Office of Legal Counsel.

Sincerely,

STEPHEN D. POTTS,
Director.

Upon enactment of S. 1072, the commission can actively encourage and assist individuals and organizations celebrating the centennial of flight. The commission can also assemble a calendar of events, disseminate information about the Wright brothers and aviation history, conduct meetings, and assist with U.S. participation in international commemorative activities.

Mr. Speaker, on numerous occasions Congress has honored the Wright brothers and their conquest of flight. I can think of few events in our Nation's history that are as worthy of this additional honor.

I urge adoption of the bill.

Mr. JONES of North Carolina. Madam Speaker, I rise today in support of the Centennial of Flight Corrections Act of 1999. S. 1072 allows for certain technical corrections to be made to the Centennial of Flight Commemoration Act of 1998, which was passed into law last year. This Commemoration Act honors the 100th anniversary of the historic ''First Flight.'' In 1903, from the windy sand dunes of Kitty Hawk, North Carolina, Orville and Wilbur Wright secured their place in aviation history. With a great deal of courage and determination, the Wright brothers were able to successfully sustain the first-ever power-driven flight, which forever changed the face of transportation.

Arguably, ''First Flight,'' the dawn of air travel, is one of the greatest achievements of the 20th century. This amazing event is particularly important to North Carolinians who have remembered and honored the Wright brothers' achievements for nearly a century. On our Nation's highways, North Carolina's license plates proudly display the motto ''First in Flight.'' In 1998, the Centennial of Flight Commemoration Act established a federal commission to properly celebrate the Wright brothers' accomplishments and coordinate the activities surrounding the centennial in 2003.

The Centennial of Flight Commission will develop a calendar of events, circulate information on the Centennial, help in publishing scholarly works related to ''First Flight,'' and sponsor civic and educational programs in both North Carolina and Ohio. S. 1072 makes in order certain technical corrections to the original Commemoration Act, which are necessary for the Commission to carry out its mandate. I believe the Commission will prove invaluable to the effective coordination of commemorative events as the 100-year mark of the historic ''First Flight'' quickly approaches. Please join me in honoring the achievements of Orville and Wilbur Wright as well as an unforgettable century of aviation by supporting this bill.

Mr. HOBSON. Mr. Speaker, I would like to share my support of this bill—crafted by my

good friend and colleague, Senator MIKE DEWINE—to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act, which Congress passed last year. After the bill became law, the Department of Justice and the Office of Government Ethics expressed concerns about some of the bill's provisions, which we are here to correct today. I was pleased that members of the Ohio and North Carolina delegations worked together in a timely manner to address those concerns.

As 2003 quickly approaches, I look forward to participating in the commemorative events and celebrations coordinated by the Centennial of Flight Commission. The 2003 celebration will highlight one of history's most remarkable achievements and showcase the impressive growth of the Miami Valley's aerospace industry, which the Wright Brothers pioneered nearly a century ago.

The Wright Brothers of Ohio began this century in flight. The Miami Valley—and indeed the world—will honor their achievement at the dawn of the next century, and look beyond the horizon of history to ask ''What if?''

Mr. MCGOVERN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the Senate bill, S. 1072.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill just passed, as well as on H.R. 717, the National Parks Air Tour Management Act of 1999, and H. Con. Res. 187, Expressing the Sense of Congress Regarding the European Council Noise Rule Affecting Hushkitted and Reengined Aircraft.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–336)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) ''making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

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

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $161,994,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use the remaining unobligated funds appropriated in Public Law 102–377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,400,722,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota; London Locks and Dam; Kanawha River, West Virginia; and Lock and Dam 12, Mississippi River, Iowa, projects; and of which funds are provided for the following projects in the amounts specified:

Indianapolis Central Waterfront, Indiana, $8,000,000;

Harlan/Clover Fork including grading and landscaping of the disposal site at the Harlan floodwall, Pike County, Middlesboro, Martin County, Pike County Tug Forks Tributaries, Bell County, Harlan County, and Town of Martin elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in Kentucky, $14,050,000;

Jackson County, Mississippi, $800,000;

Natchez Bluff, Mississippi, $2,000,000;

Passaic River Streambank Restoration, New Jersey, $6,000,000; and

Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, $4,400,000:

Provided, That no part of any appropriation contained in this Act shall be expended or obligated to begin Phase II on the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use $1,500,000 of funding appropriated herein to initiate construction of shoreline protection measures at Assateague Island, Maryland, subject to execution of an agreement for reimbursement by the National Park Service: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use Construction, General funding as directed in Public Law 105–62 and Public Law 105–245 to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the ''Boundary Waters Treaty of 1909''): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $309,416,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing

river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,853,618,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: Provided, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $117,000,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,000,000 of funds appropriated herein to fully implement an administrative appeals process for the Corps of Engineers Regulatory Program, which administrative appeals process shall provide for a single-level appeal of jurisdictional determinations: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, shall, using funds provided herein, prepare studies and analyses of the impacts on Regulatory Branch workload and on cost of compliance by the regulated community of proposed replacement permits for the nationwide permit 26 under section 404 of the Clean Water Act and shall submit a report based upon the aforementioned studies and analyses to the Committees on Appropriations of the House and Senate, the Transportation and Infrastructure Committee of the House, and the Committee on Environment and Public Works of the Senate.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $150,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, $149,500,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Notwithstanding any other provisions of law, no fully allocated funding policy shall be applied to projects for which funds are identified in the Committee reports accompanying this Act under the Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries, appropriation accounts: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake these projects using continuing contracts, as authorized in section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621).

SEC. 102. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the U.S. Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 103. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $38,049,000, to remain available until expended, of which $15,476,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: Provided, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $10,476,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,321,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian Tribes, and others, $607,927,000, to remain available until expended, of which $2,247,000 shall be available for transfer to the Upper Colorado River Basin Fund and $24,089,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended by Public Law 104–206, is amended further by inserting ''1999, and 2000'' in lieu of ''and 1997'': Provided further, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89–108, as amended by section 8 of Public Law 99–294, section 1701(b) of Public Law 102–575, and Public Law 105–245, is increased by $1,000,000 (October 1998 prices).

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $12,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $43,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $42,000,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out ecosystem restoration activities pursuant to the California Bay-Delta Environmental Enhancement Act and other activities that are in accord with the CALFED Bay-Delta Program, including projects to improve water use efficiency, water quality, groundwater and surface storage, levees, conveyance, and watershed management, consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $60,000,000, to remain available until

expended, of which $30,000,000 shall be used for ecosystem restoration activities and $30,000,000 shall be used for such other activities, and of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: Provided, That no more than $5,000,000 of the funds appropriated herein may be used for planning and management activities associated with developing the overall CALFED Bay-Delta Program and coordinating its staged implementation: Provided further, That funds for ecosystem restoration activities may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 1101(d) of such Act, and that funds for such other activities may be obligated only as non-Federal sources provide their share in a manner consistent with such cost-sharing agreement: Provided further, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 CFR 1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $47,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed six passenger motor vehicles for replacement only.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed one passenger motor vehicle for replacement only, $644,937,953, of which $820,953 shall be derived by transfer from the Geothermal Resources Development Fund, and of which $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $333,618,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $250,198,000, to be derived from the Fund, to remain available until expended: Provided, That $30,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed six passenger motor vehicles for replacement only, $2,799,851,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $240,500,000 to be derived from the Nuclear Waste Fund: Provided, That not to exceed $500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, (Public Law 97–425) as amended: Provided further, That not to exceed $5,432,000 may be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds shall be made available to the State and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the State and each local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-state efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $206,365,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $106,887,000 in fiscal year 2000 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $99,478,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $29,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed three for replacement only), $4,443,939,000, to remain available until expended: Provided, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 35 passenger motor vehicles for replacement only, $4,484,349,000, to remain available until expended: Provided, That any amounts appropriated under this heading that are used to provide economic assistance under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579) shall be utilized to the extent necessary to reimburse costs of financial assurances required of a contractor by any permit or license of the Waste Isolation Pilot Plant issued by the State of New Mexico.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,064,492,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $189,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses

necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,722,444,000, to remain available until expended: Provided, That not to exceed $5,000 may be used for official reception and representation expenses for transparency, national security and nonproliferation activities.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $112,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Northeast Oregon Hatchery Master Plan, and for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2000, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $11,594,000; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $28,000,000 in reimbursements for transmission wheeling and ancillary services and for power purchases, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,773,000, to remain available until expended, of which $773,000 shall be derived by transfer from unobligated balances in ''Operation and Maintenance, Southeastern Power Administration''; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,200,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $193,357,000, to remain available until expended, of which $182,172,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $5,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,309,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $174,950,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $174,950,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2000 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. (a) None of the funds appropriated by this Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 304. None of the funds appropriated by this Act may be used to augment the $24,500,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 305. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 307. Notwithstanding 41 U.S.C. 254c(a), the Secretary of Energy may use funds appropriated by this Act to enter into or continue multi-year contracts for the acquisition of property or services under the head, ''Energy Supply'' without obligating the estimated costs associated with any necessary cancellation or termination of the contract. The Secretary of Energy may pay costs of termination or cancellation from—

(1) appropriations originally available for the performance of the contract concerned;

(2) appropriations currently available for procurement of the type of property or services concerned, and not otherwise obligated; or

(3) funds appropriated for those payments.

SEC. 308. Of the funds in this Act provided to government-owned, contractor-operated laboratories, not to exceed four percent shall be available to be used for Laboratory Directed Research and Development: Provided, That none of the funds in the Environmental Management programs are available for Laboratory Directed Research and Development.

SEC. 309. (a) Of the funds appropriated by this title to the Department of Energy, not more than $150,000,000 shall be available for reimbursement of management and operating contractor travel expenses.

(b) Funds appropriated by this title to the Department of Energy may be used to reimburse a Department of Energy management and operating contractor for travel costs of its employees under the contract only to the extent that the contractor applies to its employees the same rates and amounts as those that apply to Federal employees under subchapter I of chapter 57 of title 5, United States Code, or rates and amounts established by the Secretary of Energy. The Secretary of Energy may provide exceptions to the reimbursement requirements of this section as the Secretary considers appropriate.

SEC. 310. (a) None of the funds in this Act or any future Energy and Water Development Appropriations Act may be expended after December 31 of each year under a covered contract unless the funds are expended in accordance with a Laboratory Funding Plan that has been approved by the Secretary of Energy. At the beginning of each fiscal year, the Secretary shall issue directions to the laboratories for the programs, projects, and activities to be conducted in that fiscal year. The Secretary and the Laboratories shall devise a Laboratory Funding Plan that identifies the resources needed to carry out these programs, projects, and activities. Funds shall be released to the Laboratories only after the Secretary has approved the Laboratory Funding Plan. The Secretary of Energy may provide exceptions to this requirement as the Secretary considers appropriate.

(b) For purposes of this section, ''covered contract'' means a contract for the management and operation of the following laboratories: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering and Environmental Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, and Sandia National Laboratories.

SEC. 311. As part of the Department of Energy's approval of laboratory funding for prime contractors responsible for management of Department of Energy sites and facilities, the Secretary shall review and approve the incentive structure for contractor fees, the amounts of

award fees to be made available for next year, the allowable salaries of first and second tier laboratory management, and the overhead expenditures. The Secretary of Energy may provide exceptions to this requirement as the Secretary considers appropriate.

SEC. 312. None of the funds provided in this Act may be used to establish or maintain independent centers at a Department of Energy laboratory or facility unless such funds have been specifically identified in the budget submission.

SEC. 313. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

SEC. 314. No funds are provided in this Act or any other Act for the Administrator of the Bonneville Power Administration to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies that such services are not available from private sector businesses.

SEC. 315. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of the enactment of this Act, or is generated after such date.

SEC. 316. LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED. Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

''(n) LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Notwithstanding any other provision of this section, rates established by the Administrator, under this section shall recover costs for protection, mitigation and enhancement of fish and wildlife, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other Act, not to exceed such amounts the Administrator forecasts will be expended during the fiscal year 2002–2006 rate period, while preserving the Administrator's ability to establish appropriate reserves and maintain a high Treasury payment probability for the subsequent rate period.''.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $17,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $20,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), $465,000,000, to remain available until expended: Provided, That of the amount appropriated herein, $19,150,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $442,000,000 in fiscal year 2000 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That $3,850,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than $23,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,000,000, to remain available until expended: Provided, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by section 5051 of Public Law 100–203, $2,600,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

The Tennessee Valley Authority is directed to use up to $3,000,000 from previously appropriated funds to pay any necessary transition costs for Land Between the Lakes.

TITLE V—RESCISSIONS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Calleguas Creek, California, $271,100;

San Joaquin, Caliente Creek, California, $155,400;

Buffalo Small Boat Harbor, New York, $15,100;

City of Buffalo, New York, $4,000;

Geneva State Park, Ohio Shoreline Protection, $91,000;

Clinton River Spillway, Michigan, $50,000;

Lackawanna River Basin Greenway Corridor, Pennsylvania, $217,900; and

Red River Waterway, Index, Arkansas, to Denison Dam, Texas, $125,000.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 105–245, and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Sacramento River Flood Control Project, California (Deficiency Correction), $1,500,000;

Melaleuca Quarantine Facility, Florida, $295,000;

Lake George, Hobart, Indiana, $3,484,000;

Anacostia River (Section 1135), Maryland, $1,534,000;

Sowashee Creek, Meridian, Mississippi, $2,537,000;

Platte River Flood and Streambank Erosion Control, Nebraska, $1,409,000;

Rochester Harbor, New York, $1,842,000;

Columbia River, Seafarers Museum, Hammond, Oregon, $98,000; and

Quonset Point, Davisville, Rhode Island, $120,000.

DEPARTMENT OF ENERGY

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, $3,000,000, are rescinded.

NUCLEAR WASTE DISPOSAL

(RESCISSION)

Of the funds made available under the heading ''Department of Energy—Energy Programs—Nuclear Waste Disposal Fund'' in the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62), $4,000,000 is rescinded, to be derived from the amount specified under such heading for the Nuclear Regulatory Commission to license a multi-purpose canister design.

TITLE VI—GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (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 using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(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 procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program—Alternative Repayment Plan'' and the

''SJVDP—Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 604. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended, (42 U.S.C. 2214(a)(3)) is amended by striking ''September 30, 1999'' and inserting ''September 30, 2000''.

SEC. 605. Title VI, division C, of Public Law 105–277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999, is repealed.

SEC. 606. Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (Public Law 104–303, 110 Stat. 3682) is amended by striking ''in advance in appropriations Acts''.

SEC. 607. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 608. UNITED STATES ENRICHMENT CORPORATION FUND. (a) WITHDRAWALS.—Subsections (b) and (c) of section 1 of Public Law 105–204 (112 Stat. 681) are amended by striking ''fiscal year 2000'' and inserting ''fiscal year 2002''.

(b) INVESTMENT OF AMOUNTS IN THE USEC FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the United States Enrichment Corporation Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

SEC. 609. LAKE CASCADE. (a) DESIGNATION.—The reservoir commonly known as the ''Cascade Reservoir'', created as a result of the building of the Cascade Dam authorized by the matter under the heading ''BUREAU OF RECLAMATION'' of the fifth section of the Interior Department Appropriation Act, 1942 (55 Stat. 334, chapter 259) for the Boise Project, Idaho, Payette division, is redesignated as ''Lake Cascade''.

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to ''Cascade Reservoir'' shall be considered to be a reference to ''Lake Cascade''.

SEC. 610. Section 4(h)(10)(D) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(10)(D)) is amended by striking clauses (vii) and (viii) and inserting the following:

''(vii) COST LIMITATION.—The annual cost of this provision shall not exceed $500,000 in 1997 dollars.''.

SEC. 611. (a) The Secretary of the Army, acting through the Chief of Engineers, in carrying out the program known as the Formerly Utilized Sites Remedial Action Program, shall undertake the following functions and activities to be performed at eligible sites where remediation has not been completed:

(1) Sampling and assessment of contaminated areas.

(2) Characterization of site conditions.

(3) Determination of the nature and extent of contamination.

(4) Selection of the necessary and appropriate response actions as the lead Federal agency.

(5) Cleanup and closeout of sites.

(6) Any other functions and activities determined by the Secretary of the Army, acting through the Chief of Engineers, as necessary for carrying out that program, including the acquisition of real estate interests where necessary, which may be transferred upon completion of remediation to the administrative jurisdiction of the Secretary of Energy.

(b) Any response action under that program by the Secretary of the Army, acting through the Chief of Engineers, shall be subject to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (in this section referred to as ''CERCLA''), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300).

(c) Any sums recovered under CERCLA or other authority from a liable party, contractor, insurer, surety, or other person for any expenditures by the Army Corps of Engineers or the Department of Energy for response actions under that program shall be credited to the amounts made available to carry out that program and shall be available until expended for costs of response actions for any eligible site.

(d) The Secretary of Energy may exercise the authority under section 168 of the Atomic Energy Act of 1954 (42 U.S.C. 2208) to make payments in lieu of taxes for federally owned property at which activities under that program are carried out, regardless of which Federal agency has administrative jurisdiction over the property and notwithstanding any reference to ''the activities of the Commission'' in that section.

(e) This section does not alter, curtail, or limit the authorities, functions, or responsibilities of other agencies under CERCLA or, except as stated in this section, under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(f) This section shall apply to fiscal year 2000 and each succeeding fiscal year.

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2000''.

And the Senate agree to the same.

RON PACKARD,
HAROLD ROGERS,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
SONNY CALLAHAN,
TOM LATHAM,
ROY BLUNT,
BILL YOUNG,
PETER VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
MIKE FORBES,
DAVE OBEY,
Managers on the Part of the House.

PETE DOMENICI,
THAD COCHRAN,
SLADE GORTON,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY E. CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
PATTY MURRAY,
HERB KOHL,
BYRON L. DORGAN,
DANIEL INOUYE,
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. 2605) making appropriations for energy and water development 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 effects of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 106–253 and Senate Report 106–58 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not contradicted by the report of the Senate or the conference, and Senate report language which is not contradicted by the report of the House or the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement appropriates $161,994,000 for General Investigations instead of $158,993,000 as proposed by the House and $125,459,000 as proposed by the Senate.

The conference agreement includes $100,000 for the Pima County, Arizona, project. To the extent appropriate, the study is to proceed with particular reference to recommendations and findings included in the Sonoran Desert Conservation Plan, Pima County, Arizona, dated October 21, 1998.

The conference agreement includes $780,000 for the Metro Atlanta Watershed, Georgia, project. The additional funds have been included for investigations of flood damage prevention along: Utoy, Sandy and Proctor Creeks; Long Island, Marsh and Johns Creek; and Indian, Sugar, Intrenchment and Federal Prison Creeks Watershed.

The conference agreement includes $400,000 for an interim feasibility study of the LaQuinta Channel, Texas, to be accomplished separately from the Corpus Christi Ship Channel study. The study will investigate potential extension of the existing project.

Of the amount provided for Other Coordination Programs, $100,000 is for the Corps of Engineers to provide assistance and support of the preservation and revitalization plans associated with the Wheeling, West Virginia National Heritage Area. These funds will allow the Corps to objectively analyze the planned and ongoing design and construction work connected with these restoration efforts. The conferees direct the Corps to conduct an analysis of the sedimentation buildup behind Santa Cruz Dam in New Mexico. In undertaking this work, the Corps is to prepare a report: describing the nature of the problem and possible solutions; discussing the economic viability and estimated cost of potential solutions; and identifying existing authorities pursuant to which the Corps could undertake corrective measures or describing the need for additional legislative authority that may be required to accomplish the work.

The conference agreement includes language proposed by the House directing the Corps of Engineers to use previously appropriated funds to continue the feasibility phase of the Red River Navigation, Southwest Arkansas, project.

The conference agreement deletes language proposed by the Senate appropriating funds for a study of the Yellowstone River at Glendive, Montana. Funds for this project have been included in the Section 205 program of the Construction, General account.

The conference agreement deletes language proposed by the Senate providing funds for the Great Egg Harbor Inlet to Townsend's Inlet, New Jersey, project. The amount appropriated for General Investigations includes $226,000 for this project.

The conference agreement deletes language proposed by the Senate providing funds for a project for flood control at Park River, Grafton, North Dakota. The amount appropriated for General Investigations includes $50,000 for a general reevaluation report to determine whether the project is technically sound, environmentally acceptable and economically justified.

The conference agreement deletes language proposed by the Senate providing funds for the Hunting Bayou element of the Buffalo Bayou and Tributaries, Texas, project. The amount appropriated for General Investigations includes $328,000 for this project element.

CONSTRUCTION, GENERAL

The conference agreement appropriates $1,400,722,000 for Construction, General instead of $1,412,591,000 as proposed by the House and $1,086,586,000 as proposed by the Senate.

The conferees are aware of previous efforts by the Corps of Engineers to address sedimentation and other water resource issues along the Dog River in Alabama. The conferees direct the Corps to continue these and other efforts, using available funds, to the extent authorized by law.

The conferees are fully supportive of the San Timoteo feature of the Santa Ana River Mainstem, California, project and expect the Corps to commit funds required to maintain the most efficient construction schedule for this feature's completion.

The conferees direct the Secretary of the Army, acting through the Chief of Engineers, to credit toward the non-Federal share of the project cost the cost of any work performed by non-Federal interests on the Panama City Beaches, Florida, project, subsequent to project authorization, to the extent the Secretary determines that work to be compatible with, and integral to, the project, consistent with existing statutory authority.

The conferees direct that the value of flowage easements acquired in the East Reach Remediation Area of the Little Calumet River, Indiana, project, be credited toward the non-Federal share of the project cost, to the extent the Secretary of the Army, acting through the Chief of Engineers, determines that the acquisition of the easements is compatible with, and integral to, the project, consistent with existing statutory authority.

The conferees concur with the House direction on mitigation associated with the Inner Harbor Navigation Canal Lock, Louisiana, project. The conferees note the significant differences in the estimates of the fair market value of property to be transferred to the Corps of Engineers by the local sponsor, and expect the Corps to work in good faith to arrive at an equitable solution to this issue in accordance with current law.

The conferees urge the Corps of Engineers to expedite, to the fullest extent possible, the completion of the Post Authorization Change for the Larose to Golden Meadow (Hurricane Protection), Louisiana, project.

The conferees are aware that the Corps of Engineers has determined, pursuant to the requirements of Section 533(d) of the Water Resources Development Act of 1996, that additional work to be carried out on the Southeast Louisiana, Louisiana, project is technically sound, environmentally acceptable, and economically justified. The conferees expect the Corps of Engineers to continue work on this project in fiscal year 2000 using continuing contracts as provided for in the Act.

Of the funds available for the Houston-Galveston Navigation Channels, Texas, project, such sums as are necessary shall be used to plan and construct barge lanes immediately adjacent to either side of the Houston Ship Channel from Bolivar Roads to Morgan Point.

The Corps of Engineers is directed, using the latest hydrology data available, to maintain in fiscal year 2000 an appropriate level of protection at Longview, Kelso, Lexington, and Castle Rock, Washington, that is not less than that: described in the October 1985 Decision Document (the basis for the project cost sharing agreement with the non-Federal sponsors); authorized in Public Law 99–88; or recommended pursuant to the Mount St. Helens Sediment Control Study, Washington.

The conference agreement includes $25,150,000 for the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky, project. Project elements are funded at the levels specified in the House and Senate reports. $700,000 is included for a Detailed Project Report for the Dickenson County, Virginia, element.

The conference agreement includes $6,260,000 for the Section 206 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports. Of the amount provided for the Section 206 program, $100,000 is for the Lake St. Clair, Metro Beach, Michigan, project.

The Secretary of the Army, acting through the Chief of Engineers, shall allow credit toward the costs of the Koontz Lake, Indiana, project for the design and implementation of aquatic ecosystem measures by the non-Federal sponsor accomplished prior to the execution of the project cooperation agreement, to the extent the Secretary determines such work to be compatible with, and integral to, the project, consistent with existing statutory authority.

The conference agreement includes $6,500,000 for the Section 14 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House report.

The conference agreement includes $35,800,000 as proposed by the House for the Section 205 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports. Of the amount provided for the Section 205 program, $100,000 is for the City of Augusta, Kansas, project.

The conference agreement includes $7,500,000 for the Section 107 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports.

The conference agreement includes $10,000,000 for the Section 1135 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports.

The conferees have included language in the bill earmarking funds for the following projects in the amounts specified: Indianapolis Central Waterfront, Indiana, $8,000,000; Harlan/Clover Fork, Pike County, Middlesboro, Martin County, Pike County Tug Forks Tributaries, Bell County, Harlan County and Town of Martin elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in Kentucky, $14,050,000; Jackson County, Mississippi, $800,000; Natchez Bluff, Mississippi, $2,000,000; Passaic River Streambank Restoration, New Jersey, $6,000,000; Upper Mingo County (including Mingo County tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, $4,400,000.

The conference agreement includes language proposed by the Senate prohibiting the use of funds to begin Phase II on the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law.

The conference agreement includes language proposed by the Senate permitting the Corps of Engineers to use $1,500,000 for the Assateague Island, Maryland, project, amended to subject the expenditure to reimbursement by the National Park Service.

The conference agreement includes language proposed by the Senate subjecting the expenditure of previously appropriated funds on the Devils Lake, North Dakota, project to a number of conditions.

The conference agreement deletes language proposed by the Senate earmarking funds for: the Norco Bluffs, California, project; the Brevard County, Florida, project; the Everglades and South Florida Ecosystem Restoration, Florida, project; the St. John's County, Florida, project; the Ohio River Flood Protection, Indiana, project; the Lake St. Clair, Metro Beach, Michigan, project; the Rochester Harbor, New York, project; the Brays Bayou element of the Buffalo Bayou and Tributaries, Texas, project; the Virginia Beach, Virginia (Hurricane Protection), project; and the Dickenson County, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky, project. The amount appropriated for Construction, General includes funding for these projects as detailed elsewhere in the statement of managers.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement appropriates $309,416,000 for Flood Control, Mississippi River and Tributaries instead of $313,324,000 as proposed by the House and $315,630,000 as proposed by the Senate.

The conferees are aware of the difficulties the Corps of Engineers is having in finalizing a project cost sharing agreement (PCA) for the Grand Prairie Region Project in Arkansas. Given these difficulties, the conferees

have not included additional funding for the project in FY 2000. This action is taken without prejudice and in recognition that the Corps has previously appropriated funds available for its use in fiscal year 2000. If the issues delaying finalization of the PCA are resolved in FY 2000, the conferees expect the Corps of Engineers to use its reprogramming authority to resume construction.

Of the amount provided for construction of the Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, project, up to an additional $2,000,000 is for construction of the Commerce to Birds Point, Missouri, grade raise.

The Secretary of the Army, acting through the Chief of Engineers, is directed to permit credit toward the non-Federal share of the project cost for any work performed by non-Federal interests on the Louisiana State Penitentiary Levee, Louisiana, project, subsequent to project authorization, to the extent the Secretary determines that work to be compatible with, and integral to, the project, consistent with existing statutory authority.

The conferees note that the U.S. Army Corps of Engineers, Vicksburg District, did not conduct necessary dredging and environmental assessment and impact studies for the initial components of the Sardis Lake development at Shady Cove, Mississippi, in accordance with the specific provisions relating to this project under Title I of P.L. 105–62. The conferees direct the U.S. Army Corps of Engineers, Vicksburg District, to take all actions necessary to complete such work as required by P.L. 105–62.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates $1,853,618,000 for Operation and Maintenance, General instead of $1,888,481,000 as proposed by the House and $1,790,043,000 as proposed by the Senate.

The conferees strongly urge the Corps of Engineers to use available funds to upgrade and maintain the water monitoring gages in the Alabama, Coosa, and Tallapoosa (ACT) Rivers, and Apalachicola, Chattahoochee and Flint (ACF) Rivers in Alabama, Florida, and Georgia for the purpose of accurately monitoring water flows. The purpose of these water-monitoring gages is to accurately monitor water flow in the rivers and to use the data in the negotiations and implementation of the Congressionally authorized ACT/ACF Water Compacts.

The Corps of Engineers is directed to complete safety related dredging in the vicinity of shoals number one and number two in the lower end of the dredging area of the Chena River, Alaska, project.

The conference agreement includes $3,200,000 for maintenance dredging of the St. Petersburg, Florida, project. These funds are to be used to dredge to sponsor-constructed depths and to dispose of spoil material on Egmont Key, consistent with existing authorities.

Of the amount provided for the Mississippi River Between Missouri River and Minneapolis, Illinois, Iowa, Minnesota, Missouri, and Wisconsin, project, $6,000,000 is for urgent bank stabilization work along the Sny Island Levee system.

The conferees are very concerned about safety problems resulting from the use of outdated hydrographic surveys in coordination with the Lower Mississippi River Vessel Trafficking System for the Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, project. Therefore, the Secretary, acting through the Chief of Engineers, shall expedite updated hydrographic survey of the portion of the Lower Mississippi River coordinated by a Vessel Trafficking System.

The conferees understand that the Corps of Engineers recently released a Draft Environmental Impact Statement for the proposed placement of eighteen million cubic yards of dredged material in an open water site, known as Site 104, located just northeast of the William Preston Lane, Jr. Memorial Bridge (the Chesapeake Bay Bridge) in Maryland. The conferees are concerned about the potential approval of this site and impose upon the Corps an obligation to thoroughly analyze and review all practicable alternatives. In reviewing the alternatives, the Corps should conduct an exhaustive analysis of each site to include how re-suspension of sediments will affect nutrient loading and whether there is a resident population of shortnose sturgeon that would be impacted by the proposed placement of dredged material.

Within available funds, the Corps of Engineers is directed to complete an environmental assessment, prepare plans and specifications, and coordinate with State and Federal agencies for the purpose of proceeding with maintenance dredging of the Little River Harbor, New Hampshire, project, and to proceed if determined to be in the Federal interest.

Of the amount provided for the Garrison Dam, Lake Sakakawea, North Dakota, project, $50,000 is for continued mosquito control activities.

The conference agreement includes language proposed by the House permitting the use of funds from the Harbor Maintenance Trust Fund.

The conference agreement includes language proposed by the Senate prohibiting the use of funds for land acquisition in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project.

The conference agreement deletes language proposed by the Senate providing $1,500,000 for the development of technologies for control of zebra mussels and other aquatic nuisance species in and around public facilities. The amount appropriated for Operation and Maintenance, General includes $1,000,000 for the zebra mussel control program of the Corps of Engineers.

The conference agreement deletes language proposed by the Senate earmarking funds for the Matagorda Ship Channel, Point Comfort Turning Basin, Texas, project. The amount appropriated for Operation and Maintenance, General includes $100,000 for the Secretary of the Army, acting through the Chief of Engineers, to study the economic justification and environmental acceptability of maintaining the Matagorda Ship Channel, Point Comfort Turning Basin, Texas, project, in accordance with section 509(a) of Public Law 104–303.

The conference agreement deletes language proposed by the Senate providing that the Secretary of the Army, acting through the Chief of Engineers, may use not to exceed $300,000 for expenses associated with the commemoration of the Lewis and Clark Bicentennial. The Corps of Engineers is directed to use available funds, not to exceed $300,000, for expenses associated with national coordination of the commemoration of the Lewis and Clark Bicentennial.

REGULATORY PROGRAM

The conference agreement appropriates $117,000,000 for the Regulatory Program as proposed by the House instead of $115,000,000 as proposed by the Senate.

The conferees strongly urge the U.S. Army Corps of Engineers to review the need to revise Section 404(b)(1) guidelines to recognize existing land uses and the prior investments made on farmed wetland.

The conferees have provided $5,000,000 to fully implement an administrative appeals process for the Regulatory Program of the Corps of Engineers. This process shall provide for a single-level appeal of jurisdictional determinations, the results of which shall be considered final agency action under the Administrative Procedures Act. This language is not intended to create a new cause of action or legal mechanism that would result in additional litigation.

The conference agreement deletes language proposed by the House providing that the results of a single-level appeal of jurisdictional determinations shall be considered final agency action under the Administrative Procedures Act.

The conference agreement includes language proposed by the House requiring the Corps of Engineers to prepare a report regarding the impacts of proposed replacement permits for the nationwide permit 26 on Regulatory Branch workload and compliance costs, amended to delete language requiring that the report be submitted to certain committees of Congress before the Secretary of the Army may adopt replacement permits or terminate the current nationwide permit 26, and amended to delete a deadline of December 30, 1999, for submission of the report to certain committees of Congress.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement appropriates $150,000,000 for the Formerly Utilized Sites Remedial Action Program (FUSRAP) as proposed by the House and the Senate, and makes the funds available until expended as proposed by the Senate. The remaining statutory provisions proposed by the Senate are contained in section 611 of the bill.

GENERAL EXPENSES

The conference agreement appropriates $149,500,000 for General Expenses instead of $148,000,000 as proposed by the House and $151,000,000 as proposed by the Senate.

The conference agreement includes language proposed by the House prohibiting the use of funds to support an office of congressional affairs within the executive office of the Chief of Engineers.

The conference agreement deletes language proposed by the House prohibiting the use of funds to support more than one regional office in each division.

REVOLVING FUND

The conference agreement deletes language proposed by the Senate authorizing the use of amounts available in the Revolving Fund to renovate office space in the General Accounting Office (GAO) headquarters building in Washington, D.C. for use by the Corps of Engineers and the GAO.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. The conference agreement includes a provision proposed by the Senate directing the Secretary of the Army, acting through the Chief of Engineers, to undertake work funded in the conference agreement using continuing contracts and providing that no fully allocated funding policy shall apply to projects for which funds are provided in the conference agreement.

SEC. 102. The conference agreement includes a provision proposed by the Senate limiting funding of credits and reimbursements to $10,000,000 per project per fiscal year and a total of $50,000,000 per year for all applicable projects, amended to delete a limitation of reimbursements and credits to a single agreement per project.

SEC. 103. The conference agreement includes language proposed by the Senate providing that none of the funds made available in the conference agreement may be used to revise the Missouri River Master Water Control Manual if such revision provides for an

increase in the springtime water release program during the spring heavy rainfall and snow melt period in states that have rivers draining into the Missouri River below the Gavins Point Dam.

Provision not included in the conference agreement.—The conference agreement deletes language proposed by the Senate directing continued funding of wildlife habitat mitigation work for the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota, and earmarking $3,000,000 to fund activities authorized under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe and State of South Dakota Terrestrial Wildlife Habitat Restoration Act. The amount appropriated for Construction, General includes $1,500,000 for these activities.

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
ALABAMA				
ALABAMA RIVER BELOW CLAIBORNE LOCK AND DAM, AL	150	---	150	---
BALDWIN COUNTY WATERSHEDS, AL	100	---	100	---
BAYOU LA BATRE, AL	100	---	100	---
BLACK WARRIOR-TOMBIGBEE WATERWAY, AL	170	---	170	---
BREWTON AND EAST BREWTON, AL	100	---	100	---
DOG RIVER, AL	350	---	350	---
LUBBUB CREEK, REFORM, AL	---	---	100	---
PERDIDO KEY BEACHES, AL	---	---	100	---
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED)	250	---	250	---
ALASKA				
AKUTAN HARBOR, AK	---	75	---	75
ANCHORAGE HARBOR DEEPENING, AK	150	---	150	---
ANIAK, AK	100	---	100	---
BARROW COASTAL STORM DAMAGE REDUCTION, AK	---	---	100	---
BREVIG MISSION, AK	100	---	100	---
CHANDALRR RIVER WATERSHED, AK	---	---	100	---
CHENA RIVER WATERSHED, AK	115	---	115	---
COASTAL STUDIES NAVIGATION IMPROVEMENT, AK	220	---	220	---
DOUGLAS HARBOR EXPANSION, AK	140	---	140	---
FALSE PASS HARBOR, AK	150	---	150	---
GASTINEAU CHANNEL, JUNEAU, AK	---	---	100	---
KENAI RIVER WATERSHED, AK	128	---	128	---
MATANUSKA RIVER WATERSHED STUDY, AK	235	---	150	---
NAKNEK RIVER WATERSHED, AK	120	---	120	---
NOME HARBOR IMPROVEMENTS, AK	---	253	---	253
PORT LIONS HARBOR, AK	150	---	150	---
SEWARD HARBOR, AK	---	58	---	58
SHIP CREEK WATERSHED, AK	230	---	230	---
SKAGWAY HARBOR, AK	---	---	100	---
VALDEZ HARBOR EXPANSION, AK	150	---	150	---
WRANGELL HARBOR, AK	---	284	---	284
AMERICAN SAMOA				
WESTERN DISTRICT HARBOR, AS	125	---	125	---
ARIZONA				
COLONIAS ALONG U.S. - MEXICO BORDER, AZ & TX	200	---	600	---
GILA RIVER, NORTHEAST PHOENIX DRAINAGE AREA, AZ	342	---	342	---
GILA RIVER, SANTA CRUZ RIVER BASIN, AZ	200	---	200	---
LITTLE COLORADO RIVER, AZ	50	---	50	---
PIMA COUNTY, AZ	---	---	100	---
RILLITO RIVER, PIMA COUNTY, AZ	250	---	250	---
RIO DE FLAG, FLAGSTAFF, AZ	263	---	263	150
RIO SALADO, PHOENIX REACH, AZ	---	1,545	200	1,545

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
RIO SALADO, TEMPE REACH, AZ	---	100	---	233
SANTA CRUZ RIVER, AZ	---	---	250	---
SANTA CRUZ RIVER (PASEO DE LAS IGLESIAS), AZ	200	---	300	---
TRES RIOS, AZ	---	50	---	50
TRES RIOS, AZ	486	---	486	---
TUCSON DRAINAGE AREA, AZ	---	420	---	420
ARKANSAS				
ARKANSAS RIVER (NAVIGATION STUDY), FORT SMITH, AR	100	---	1,000	---
MAY BRANCH, FORT SMITH, AR	200	---	200	---
WHITE RIVER NAVIGATION TO NEWPORT, AR	---	307	---	307
CALIFORNIA				
ALISO CREEK WATERSHED MANAGEMENT, CA	161	---	161	---
AMERICAN RIVER WATERSHED, CA	---	5,000	---	5,000
ARROYO PASAJERO, CA	---	150	---	500
BOLINAS LAGOON ECOSYSTEM RESTORATION, CA	200	---	332	---
CITY OF SAN BERNARDINO, CA	---	---	100	---
COAST OF CALIFORNIA, LOS ANGELES COUNTY, CA	---	---	100	---
ENCINITAS, CA	---	---	100	---
HAMILTON AIRFIELD WETLANDS RESTORATION, CA	---	480	---	480
HUNTINGTON BEACH, BLUFFTOP PARK, CA	---	---	300	---
KAWEAH RIVER, CA	---	582	---	582
LAGUNA DE SANTA ROSA, CA	200	---	200	---
LLAGAS CREEK, CA	---	---	---	250
LOS ANGELES COUNTY, CA	---	---	100	---
LOWER MISSION CREEK, CA	---	250	---	250
MALIBU CREEK WATERSHED, CA	100	---	---	---
MARE ISLAND STRAIT DREDGING EXPANSION, CA	50	---	50	---
MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA	25	---	25	---
MARINA DEL REY AND BALLONA CREEK, CA	---	50	---	50
MARINA DEL REY AND BALLONA CREEK, CA	100	---	100	---
MATILIJA DAM, CA	---	---	100	---
MOJAVE RIVER DAM, CA	300	---	300	---
MORRO BAY ESTUARY, CA	100	---	100	---
MUGU LAGOON, CA	150	---	100	---
MURRIETA CREEK, CA	---	100	---	100
N CA STREAMS, CACHE CREEK, CA	---	---	400	---
N CA STREAMS, DRY CREEK, MIDDLETOWN, CA	150	---	150	---
N CA STREAMS, LOWER SACRAMENTO RVR RIPARIAN REVEGETATI	200	---	---	---
N CA STREAMS, MIDDLE CREEK, CA	150	---	100	---
NAPA RIVER, SALT MARSH RESTORATION, CA	275	---	175	---
NAPA VALLEY WATERSHED MANAGEMENT, CA	50	---	---	---
NEWPORT BAY (LA-3 SITE DESIGNATION STUDY), CA	---	---	700	---
NEWPORT BAY HARBOR, CA	---	200	---	200
NEWPORT BAY/SAN DIEGO CREEK WATERSHED, CA	140	---	140	---
OAKLAND HARBOR, CA	---	400	---	400
ORANGE COUNTY, SANTA ANA RIVER BASIN, CA	100	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
ORANGE COUNTY COAST BEACH EROSION, CA	---	---	500	---
ORANGE COUNTY SPECIAL MANAGEMENT PLAN, CA	---	---	400	---
PAJARO RIVER BASIN, WATSONVILLE, CA	---	---	---	250
PAJARO RIVER BASIN STUDY, CA	---	---	100	---
PAJARO RIVER MAINSTEM, CA	---	---	100	---
PENINSULA BEACH, CA	---	---	150	---
PINE FLAT DAM, FISH AND WILDLIFE HABITAT RESTORATION,	---	100	---	---
PORT OF STOCKTON, CA	150	---	300	---
RANCHO PALOS VERDES, CA	---	200	---	300
REDWOOD CITY HARBOR, CA	200	---	100	---
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA	125	---	125	---
SACRAMENTO - SAN JOAQUIN DELTA, CA	200	---	200	---
SACRAMENTO AND SAN JOAQUIN COMPREHENSIVE BASIN STUDY,	2,000	---	3,000	---
SAN ANTONIO CREEK, CA	---	---	100	---
SAN BERNARDINO COUNTY, CA	100	---	100	---
SAN CLEMENTE SHORELINE, CA	---	---	100	---
SAN DIEGO COUNTY SHORELINE, CA	---	---	100	---
SAN DIEGO HARBOR (DEEPENING), CA	---	50	---	---
SAN DIEGO HARBOR (DEEPENING), CA	116	---	116	---
SAN DIEGO HARBOR, NATIONAL CITY, CA	50	---	50	---
SAN FRANCISCO BAY, CA	200	---	600	---
SAN GABRIEL TO NEWPORT BAY, CA	---	---	100	---
SAN JACINTO RIVER, CA	---	---	100	---
SAN JOAQUIN R BASIN, CONSUMNES & MOKELUMNE RIVERS, CA.	50	---	50	---
SAN JOAQUIN R BASIN, CORRAL HOLLOW CREEK, CA	---	---	100	---
SAN JOAQUIN R BASIN, FRAZIER CREEK, CA	---	---	100	---
SAN JOAQUIN R BASIN, PINE FLAT DAM, F&WL HABITAT RESTO	125	---	125	100
SAN JOAQUIN R BASIN, STOCKTON METROPOLITAN AREA, CA	200	---	380	---
SAN JOAQUIN R BASIN, STOCKTON METRO AREA, FARMINGTON D	150	---	150	---
SAN JOAQUIN R BASIN, TUOLUMNE RIVER, CA	150	---	375	---
SAN JOAQUIN R BASIN, WEST STANISLAUS COUNTY, CA	250	---	300	---
SAN JUAN CREEK WATERSHED MANAGEMENT, CA	414	---	414	---
SAN LUIS OBISPO COUNTY STREAMS, CA	---	---	100	---
SAN PABLO BAY WATERSHED, CA	50	---	50	---
SANTA MARGARITA RIVER AND TRIBUTARIES, CA	232	---	232	100
SANTA ROSA CREEK WATERSHED, CA	200	---	150	---
SANTA YNEZ RIVER, CA	100	---	---	---
SOLANA BEACH, CA	---	---	100	---
SOUTH SACRAMENTO COUNTY STREAMS, CA	---	500	---	500
SOUTHAMPTON SHOAL CHANNEL AND EXTENSION, CA	70	---	---	---
STRONG AND CHICKEN RANCH SLOUGHS, CA	500	---	500	---
SUISUN MARSH, CA	---	---	100	---
SUTTER BASIN, CA	60	---	300	---
TAHOE BASIN, CA & NV	150	---	500	---
TIJUANA RIVER ENVIRONMENTAL RESTORATION, CA	250	---	400	---
TULE RIVER, CA	---	150	---	800
UPPER GUADALUPE RIVER, CA	---	300	---	300
UPPER PENITENCIA CREEK, CA	250	---	250	---
UPPER SANTA ANA RIVER WATERSHED, CA	100	---	100	---
VENTURA HARBOR SAND BYPASS, CA	100	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
WHITE RIVER, POSO AND DEER CREEKS, CA	60	---	500	---
YUBA RIVER BASIN, CA	---	150	---	600
COLORADO				
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO.	340	---	340	---
CONNECTICUT				
COASTAL CONNECTICUT ECOSYSTEM RESTORATION, CT	200	---	150	---
DELAWARE				
C&D CANAL, BALTIMORE HBR CONN CHANNELS, DE & MD (DEEPE	---	500	---	500
DELAWARE BAY COASTLINE, DE & NJ	---	---	---	1,075
DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, D	79	---	79	349
FLORIDA				
BISCAYNE BAY, FL	400	---	400	---
HILLSBOROUGH RIVER BASIN, FL	---	---	100	---
LAKE WORTH INLET, PALM BEACH COUNTY, FL	---	---	100	---
MILE POINT, JACKSONVILLE, FL	---	---	100	---
PORT EVERGLADES HARBOR, FL	---	105	---	105
ST LUCIE INLET, FL	---	188	---	188
TAMPA HARBOR, ALAFIA CHANNEL, FL	---	---	---	175
WITHLACOOCHEE RIVER BASIN, FL	---	---	100	---
GEORGIA				
ALLATOONA LAKE (ETOWAH RIVER), GA	---	---	325	---
ALLATOONA LAKE (LITTLE RIVER), GA	---	---	200	---
AUGUSTA, GA	189	---	189	---
BRUNSWICK HARBOR, GA	---	469	---	469
INDIAN, SUGAR, INTRENCHMENT AND FEDERAL PRISON CREEKS METRO ATLANTA WATERSHED, GA	480	---	780	---
NEW SAVANNAH BLUFF LOCK AND DAM, GA & SC	442	---	442	---
SAVANNAH HARBOR EXPANSION, GA	---	100	---	100
SAVANNAH RIVER BASIN COMPREHENSIVE, GA & SC	500	---	500	---
HAWAII				
ALA WAI CANAL, OAHU, HI	40	---	40	---
BARBERS POINT HARBOR MODIFICATION, OAHU, HI	---	380	---	380
HONOLULU HARBOR MODIFICATIONS, OAHU, HI	225	---	225	---
KAHULUI HARBOR MODIFICATIONS, MAUI, HI	125	---	125	---
KAWAIHAE DEEP DRAFT HARBOR, HI (MODIFICATIONS)	---	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
IDAHO				
BOISE RIVER, ID	---	---	100	---
KOOTENAI RIVER AT BONNERS FERRY, ID	---	---	100	---
LITTLE WOOD RIVER, ID	---	---	100	---
ILLINOIS				
ALEXANDER AND PULASKI COUNTIES, IL	---	375	---	375
DES PLAINES RIVER, IL	---	247	---	247
ILLINOIS BEACH, IL	---	---	131	---
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL	350	---	350	---
KANKAKEE RIVER BASIN, IL & IN	295	---	295	---
PEORIA RIVERFRONT DEVELOPMENT, IL	300	---	300	---
ROCK RIVER, IL & WI	200	---	200	---
UPPER MISS RVR SYS FLOW FREQUENCY STUDY, IL, IA, MN, M	2,100	---	2,100	---
UPPER MISSISSIPPI & ILLINOIS NAV STUDY, IL, IA, MN, MO	6,700	---	13,000	---
WAUKEGAN HARBOR, IL	---	450	---	450
WOOD RIVER LEVEE, IL	201	---	201	---
INDIANA				
HAMMOND, IN	---	---	100	---
INDIANA HARBOR, IN	---	---	100	---
JOHN T MYERS LOCKS AND DAM, IN & KY	---	1,000	---	1,000
MISSISSINEWA RIVER, MARION, IN	---	---	100	---
MUNCIE, WHITE RIVER, IN	---	---	100	---
ST. JOSEPH RIVER AND SPY RUN CREEK, IN	---	---	100	---
IOWA				
DES MOINES AND RACCOON RIVERS, IA	400	---	300	---
INDIAN CREEK, COUNCIL BLUFFS, IA	90	---	90	---
KANSAS				
TOPEKA, KS	211	---	211	---
TURKEY CREEK BASIN, KS & MO	---	266	---	400
KENTUCKY				
AUGUSTA, KY	150	---	150	---
BANKLICK CREEK, KENTON COUNTY, KY	---	---	100	---
GREEN AND BARREN RIVERS NAVIGATION DISPOSITION, KY	70	---	70	---
GREENUP, KY	---	---	200	---
LICKING RIVER, CYNTHIANA, KY	150	---	250	---
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY	---	---	100	---
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	304	---	304	---
METROPOLITAN LOUISVILLE, SOUTHWEST, KY	400	---	400	---
OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	7,157	---	7,157	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
RUSSELL, KY	---	---	200	---
LOUISIANA				
AMITE RIVER AND TRIBUTARIES, LA	---	---	100	---
CALCASIEU LOCK, LA	691	---	691	---
CALCASIEU RIVER BASIN, LA	---	---	100	---
CAMERON LOOP, CALCASIEU PASS, LA	300	---	200	---
EAST BATON ROUGE PARISH, LA	---	134	---	134
INTRACOASTAL WATERWAY LOCKS, LA	700	---	700	---
JEFFERSON PARISH, LA	200	---	200	---
LAFAYETTE PARISH, LA	415	---	415	---
LOUISIANA COASTAL AREA, LA	---	---	1,500	---
ORLEANS PARISH, LA	225	---	225	---
ST. BERNARD PARISH, LA	---	---	100	---
WEST SHORE, LAKE PONTCHARTRAIN, LA	500	---	500	---
MARYLAND				
ANACOSTIA RIVER FEDERAL WATERSHED IMPACT ASSESSMENT, M	700	---	700	---
ANACOSTIA RIVER, NORTHWEST BRANCH, MD & DC	---	300	---	300
ANACOSTIA RIVER, PG COUNTY LEVEE, MD & DC	600	---	600	---
BALTIMORE METROPOLITAN, DEEP RUN/TIBER HUDSON, MD	---	400	---	400
BALTIMORE METROPOLITAN, GWYNNS FALLS, MD	200	---	200	---
EASTERN SHORE, MD	100	---	100	---
LOWER POTOMAC ESTUARY WATERSHED, MATTAWOMAN, MD	150	---	150	---
PATUXENT RIVER, PRINCE GEORGES COUNTY, MD	153	---	153	---
PATUXENT RIVER, PRINCE GEORGES COUNTY, MD	---	50	---	50
SMITH ISLAND ENVIRONMENTAL RESTORATION, MD	156	---	156	---
MASSACHUSETTS				
BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI	300	---	300	---
BOSTON HARBOR, MA	---	---	100	---
MICHIGAN				
DETROIT RIVER ENVIRONMENTAL DREDGING, MI	---	---	100	---
KALAMAZOO, MI	---	---	100	---
MUSKEGON LAKE, MI	---	---	100	---
SAULT STE MARIE, MI	---	---	---	200
WHITE LAKE, MI	---	---	100	---
MINNESOTA				
UPPER MISSISSIPPI R FROM LAKE ITASCA TO LOCK DAM 2, MN	---	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
MISSOURI				
BALLWIN, ST LOUIS COUNTY, MO	150	---	150	---
BLUE RIVER BASIN, KANSAS CITY, MO	---	377	---	377
CHESTERFIELD, MO	---	320	---	---
CHESTERFIELD, MO	200	---	200	---
FESTUS AND CRYSTAL CITY, MO	---	325	---	325
KANSAS CITY, MO & KS	315	---	315	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO	275	---	275	---
RIVER DES PERES, MO	---	---	---	50
ST LOUIS FLOOD PROTECTION, MO	285	---	285	---
ST LOUIS HARBOR, MO & IL	---	322	---	322
SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	58	---	58	---
NEBRASKA				
ANTELOPE CREEK, LINCOLN, NE	---	153	---	153
ANTELOPE CREEK, LINCOLN, NE	72	---	72	---
LOWER PLATTE RIVER AND TRIBUTARIES, NE	350	---	508	92
NEVADA				
CARSON RIVER, NV	16	---	16	---
FALLON, NV	16	---	16	---
LOWER LAS VEGAS WASH WETLANDS, NV	100	---	500	---
LOWER TRUCKEE RIVER, PYRAMID LAKE PAIUTE RESERVATION,	---	103	---	---
LOWER TRUCKEE RIVER, PYRAMID LAKE PAIUTE RESERVATION,	87	---	87	---
TRUCKEE MEADOWS, NV	---	550	---	600
NEW JERSEY				
ARTHUR KILL EXTENSION TO PERTH AMBOY, NJ & NY	100	---	100	---
BARNEGAT BAY, NJ	400	---	400	---
BARNEGAT INLET TO LITTLE EGG INLET, NJ	---	---	---	200
BRIGANTINE INLET TO GREAT EGG HARBOR INLET, NJ	---	---	---	200
GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NJ	---	---	226	---
HUDSON-RARITAN ESTUARY, NJ & NY	---	---	100	---
LOWER CAPE MAY MEADOWS TO CAPE MAY POINT, NJ	---	---	---	178
MANASQUAN INLET TO BARNEGAT INLET, NJ	---	---	310	---
NEW JERSEY INTRACOASTAL WATERWAY, ENV RESTORATION, NJ	519	---	519	---
RARITAN BAY AND SANDY HOOK BAY, NJ	545	---	895	200
SHREWSBURY RIVER AND TRIBUTARIES, MONMOUTH COUNTY, NJ	---	---	100	---
SOUTH RIVER, RARITAN RIVER BASIN, NJ	569	---	569	---
STONY BROOK, NJ	---	---	100	---
TOWNSENDS INLET TO CAPE MAY INLET, NJ	---	---	---	400
UPPER PASSAIC RIVER AND TRIBS, LONG HILL, MORRIS COUNT	200	---	200	---
UPPER ROCKAWAY RIVER, MORRIS COUNTY, NJ	200	---	200	---
WOODBRIDGE AND RAHWAY, NJ	100	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
NEW MEXICO				
ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM.....	50	---	50	---
NORTH LAS CRUCES, NM.....	---	---	200	---
RIO GRANDE WATER MANAGEMENT, NM, CO & TX.....	50	---	50	---
SW VALLEY FLOOD DAMAGE REDUCTION STUDY, ALBUQUERQUE, N	250	---	250	---
NEW YORK				
ADDISON, NY.....	150	---	150	---
ARTHUR KILL CHANNEL, HOWLAND HOOK MARINE TERMINAL, NY.	---	1,312	---	1,312
AUSABLE RIVER BASIN, ESSEX AND CLINTON COUNTIES, NY...	100	---	100	---
BOQUET RIVER AND TRIBUTARIES, ESSEX COUNTY, NY.....	100	---	100	---
BRONX RIVER BASIN,NY.....	100	---	100	---
CHEMUNG RIVER BASIN ENVIRONMENTAL RESTORATION, NY & PA	100	---	100	---
CLINTON COUNTY, NY.....	---	---	100	---
ELLICOTT CREEK, NY.....	---	---	100	---
FLUSHING BAY AND CREEK, NY.....	600	---	600	---
HAMLIN BEACH AND LAKESIDE BEACH, NY.....	---	---	100	---
HUDSON RIVER HABITAT RESTORATION, NY.....	---	100	---	100
HUDSON RIVER HABITAT RESTORATION, NY.....	100	---	100	---
HUDSON RIVER, HUDSON, NY.....	---	---	100	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, ARVERNE, NY.	50	---	---	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY.....	166	---	166	---
LINDENHURST,NY.....	100	---	100	---
NEW YORK AND NEW JERSEY HARBOR, NY & NJ.....	---	2,534	---	2,534
NEW YORK AND NEW JERSEY HARBOR, NY & NJ.....	884	---	884	---
NEW YORK HARBOR ANCHORAGE AREAS, NY.....	300	---	300	---
NORTH SHORE OF LONG ISLAND, NY.....	---	---	200	---
NORTH SHORE OF LONG ISLAND, BAYVILLE, NY.....	50	---	50	---
ONONDAGA LAKE, NY.....	130	---	130	---
OTSEGO LAKE ENVIRONMENTAL RESTORATION, NY.....	150	---	150	---
SAWMILL RIVER AND TRIBUTARIES, NY.....	100	---	100	---
SOUTH SHORE OF LONG ISLAND, NY.....	50	---	50	---
SOUTH SHORE OF STATEN ISLAND, NY.....	350	---	350	---
SUSQUEHANNA RIVER BASIN WATER MANAGEMENT, NY, PA & MD.	---	60	---	60
SUSQUEHANNA RIVER BASIN WATER MANAGEMENT, NY, PA & MD.	101	---	101	---
UPPER DELAWARE RIVER WATERSHED, NY.....	300	---	200	---
NORTH CAROLINA				
BOGUE BANKS, NC.....	---	---	100	---
BRUNSWICK COUNTY BEACHES, NC.....	---	850	---	850
DARE COUNTY BEACHES, NC.....	---	---	---	100
JOHN H. KERR DAM AND RESERVOIR, NC.....	---	---	100	---
LOCKWOODS FOLLY RIVER, NC.....	400	---	200	---
MANTEO (SHALLOWBAG) BAY, NC.....	---	350	---	---
NEUSE RIVER BASIN, NC.....	100	---	---	---
NEW RIVER BASIN, NC, VA & WV.....	---	---	100	---
TENNESSEE RIVER AND TRIBS, EASTERN BAND CHEROKEE NATIO	398	---	150	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
TENNESSEE RIVER AND TRIBS, FRANKLIN, MACON COUNTY, NC.	199	---	100	---
NORTH DAKOTA				
DEVILS LAKE, ND	300	---	300	---
PARK RIVER, GRAFTON, ND	---	---	50	---
OHIO				
ASHTABULA RIVER ENVIRONMENTAL DREDGING, OH	---	600	---	600
BERLIN LAKE, OH	---	---	100	---
COLUMBUS METROPOLITAN AREA, OH	400	---	300	---
HOCKING RIVER BASIN ENV RESTORATION, MONDAY CREEK, OH.	100	---	100	---
HOCKING RIVER BASIN ENV RESTORATION, SUNDAY CREEK, OH.	200	---	---	---
MAUMEE RIVER, OH	---	116	---	116
MICHAEL J. KIRWAN DAM AND RESERVOIR, OH	---	---	100	---
MOSQUITO CREEK LAKE, OH	---	---	100	---
MUSKINGUM BASIN SYSTEM STUDY, OH	---	---	100	---
RICHLAND COUNTY, OH	---	---	100	---
OKLAHOMA				
CIMARRON RIVER BASIN, OK & KS	---	---	100	---
SOUTHEAST OKLAHOMA, OK	---	---	100	---
WARR ACRES AND BETHANY, OK	---	---	100	---
OREGON				
COLUMBIA RIVER NAVIGATION CHANNEL DEEPENING, OR & WA..	---	892	---	892
COLUMBIA SLOUGH, OR	95	---	---	---
TILLAMOOK BAY AND ESTUARY ECOSYSTEM RESTORATION, OR...	200	---	100	---
WALLA WALLA RIVER WATERSHED, OR & WA	90	---	90	---
WILLAMETTE RIVER BASIN REVIEW, OR	291	---	291	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	---	---	100	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	300	---	100	---
PENNSYLVANIA				
BLOOMSBURG, PA	184	---	300	---
CONEMAUGH RVR BASIN, NANTY GLO ENVIRONMENTAL RESTORATI	---	140	---	---
TURTLE CREEK BASIN, BRUSH CREEK ENV RESTORATION, PA...	191	---	---	---
TURTLE CREEK BASIN, LYONS RUN ENV RESTORATION, PA.....	223	---	---	---
TURTLE CREEK BASIN, UPPER TURTLE CREEK ENV RESTORATION	255	---	255	---
UPPER SUSQUEHANA RIVER BASIN, PA & NY	---	---	250	---
PUERTO RICO				
RIO GUANAJIBO, PR	---	403	---	403
RIO NIGUA AT SALINAS, PR	---	463	---	463

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
RHODE ISLAND				
RHODE ISLAND ECOSYSTEM RESTORATION, RI	177	---	177	---
RHODE ISLAND SOUTH COAST, HABITAT REST & SRTM DMG REDU	157	---	157	---
SOUTH CAROLINA				
ATLANTIC INTRACOASTAL WATERWAY, SC	400	---	400	---
CHARLESTON ESTUARY, SC	150	---	150	---
PAWLEYS ISLAND, SC	150	---	150	---
SANTEE, COOPER, CONGAREE RIVERS - GOOSE CREEK RESERVOI	---	68	---	---
YADKIN - PEE DEE RIVER WATERSHED, SC & NC	---	50	---	50
YADKIN - PEE DEE RIVER WATERSHED, SC & NC	182	---	182	---
SOUTH DAKOTA				
JAMES RIVER, SD & ND	100	---	100	---
WATERTOWN AND VICINITY, SD	---	95	---	95
TENNESSEE				
DUCK RIVER WATERSHED, TN	394	---	100	---
NOLICHUCKY WATERSHED, TN	200	---	200	---
NORTH CHICKAMAUGA CREEK, TN	288	---	288	---
TEXAS				
BOIS D'ARC CREEK, BONHAM, TX	---	---	100	---
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	300	---	300	---
CORPUS CHRISTI SHIP CHANNEL, TX	672	---	672	---
CORPUS CHRISTI SHIP CHANNEL, LAQUINTA CHANNEL, TX	---	---	400	---
CYPRESS CREEK, HOUSTON, TX	---	300	---	---
DALLAS FLOODWAY EXTENSION, TRINITY RIVER, TX	---	1,553	---	1,553
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX	830	---	830	---
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX	770	---	770	---
GIWW, PORT O'CONNOR TO CORPUS CHRISTI BAY, TX	840	---	840	---
GULF INTRACOASTAL WATERWAY MODIFICATION, TX	---	---	100	---
GREENS BAYOU, HOUSTON, TX	---	560	---	560
GUADALUPE AND SAN ANTONIO RIVERS,.TX	---	---	400	---
HUNTING BAYOU, HOUSTON, TX	---	328	---	328
LOWER COLORADO RIVER BASIN, TX	220	---	500	---
MIDDLE BRAZOS RIVER, TX	300	---	300	---
NORTH PADRE ISLAND, CORPUS CHRISTI, TX	100	---	250	---
NORTHWEST EL PASO, TX	250	---	250	---
PECAN BAYOU, BROWNWOOD, TX	---	62	---	62
RAYMONDVILLE DRAIN, TX	---	100	---	200
SABINE PASS TO GALVESTON BAY, TX	---	---	100	---
SABINE - NECHES WATERWAY, TX	700	---	700	---
SOUTH MAIN CHANNEL, TX	---	600	---	600
SULPHUR RIVER ENVIRONMENTAL RESTORATION, TX	245	---	245	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
UPPER TRINITY RIVER BASIN, TX	720	---	1,195	---
VIRGIN ISLANDS				
CROWN BAY CHANNEL, VI	---	241	---	241
VIRGINIA				
AIWW, BRIDGES AT DEEP CREEK, VA	370	---	370	---
CHESAPEAKE BAY SHORELINE, HAMPTON, VA	---	---	245	---
ELIZABETH RIVER BASIN, ENVIR RESTORATION, HAMPTON ROAD	339	---	339	---
JAMES RIVER CHANNEL, VA	---	195	---	195
JOHN H. KERR, VA & NC	---	---	100	---
LOWER RAPPAHANNOCK RIVER BASIN, VA	---	---	100	---
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	1,050	---	1,050	---
POQUOSON, VA	100	---	100	---
POWELL RIVER WATERSHED, VA	240	---	200	---
POWELL RIVER, ELY/PUCKETTS CREEK, VA	---	250	---	---
PRINCE WILLIAM COUNTY WATERSHED, VA	200	---	100	---
RAPPAHANNOCK RIVER, EMBREY DAM, VA	200	---	200	---
WASHINGTON				
BELLINGHAM BAY, WA	---	---	100	---
CENTRALIA, WA	---	250	---	250
CHEHALIS RIVER BASIN, WA	---	---	100	---
DUWAMISH AND GREEN RIVER BASIN, WA	152	---	152	---
DUWAMISH AND GREEN RIVER BASIN, WA	---	20	---	---
HOWARD HANSON DAM, WA	---	888	---	2,000
LAKE WASHINGTON SHIP CANAL, WA	100	---	200	---
OCEAN SHORES, WA	---	---	100	---
PUGET SOUND CONFINED DISPOSAL SITES, WA	300	---	300	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	---	---	100	---
SKAGIT RIVER, WA	313	---	313	---
SKOKOMISH RIVER BASIN, WA	66	---	66	---
STILLAGUAMISH RIVER BASIN, WA	201	---	150	---
TRI-CITIES AREA RIVERSHORE ENHANCEMENT, WA	200	---	150	---
WEST VIRGINIA				
LOWER MUD RIVER, WV	---	---	---	300
KANAWHA RIVER NAVIGATION, WV	650	---	650	---
MERCER COUNTY, WV	403	---	403	---
NORTH BRANCH POTOMAC RIVER ENVIRON RESTORATION, WV, MD	---	50	---	50
WISCONSIN				
FOX RIVER, WI	---	---	100	---

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PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
WYOMING				
JACKSON HOLE RESTORATION, WY	---	340	---	---
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION	1,500	---	1,200	---
ENVIRONMENTAL DATA STUDIES	100	---	100	---
FLOOD DAMAGE DATA	400	---	400	---
FLOOD PLAIN MANAGEMENT SERVICES	9,000	---	8,500	---
GREAT LAKES REMEDIAL ACTION PROGRAM (SEC. 401)	---	---	500	---
HYDROLOGIC STUDIES	500	---	500	---
INTERNATIONAL WATER STUDIES	1,900	---	500	---
OTHER COORDINATION PROGRAMS	8,100	---	8,000	---
PLANNING ASSISTANCE TO STATES	6,500	---	5,800	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	400	---	400	---
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	300	---	300	---
RESEARCH AND DEVELOPMENT	27,000	---	26,200	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	100	---	100	---
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	700	---	700	---
TRANSPORTATION SYSTEMS	700	---	700	---
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER	650	---	650	---
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-23,496	---	-23,846	---
TOTAL, GENERAL INVESTIGATIONS	102,362	32,638	123,949	38,045

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
BLACK WARRIOR AND TOMBIGBEE RIVERS, VICINITY OF JACKSO	3,000	3,000
MOBILE HARBOR, AL	700	700
TENNESSEE-TOMBIGBEE WILDLIFE MITIGATION, AL & MS	---	1,730
WALTER F GEORGE POWERHOUSE AND DAM, AL & GA (MAJOR REH	750	750
WALTER F GEORGE POWERPLANT, AL & GA (MAJOR REHAB)	3,600	3,600
ALASKA		
CHIGNIK HARBOR, AK	4,357	4,357
COOK INLET, AK	500	1,700
KAKE HARBOR, AK	2,568	2,568
ST PAUL HARBOR, AK	500	1,000
ARIZONA		
CLIFTON, AZ	645	645
ARKANSAS		
DARDANELLE LOCK AND DAM POWERHOUSE, AR (MAJOR REHAB)	11,964	10,464
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	3,080	3,080
MONTGOMERY POINT LOCK AND DAM, AR	20,000	45,000
RED RIVER EMERGENCY BANK PROTECTION, AR & TX	---	4,000
RED RIVER WATERWAY (INDEX, AR TO DENISON DAM, TX)	---	275
CALIFORNIA		
AMERICAN RIVER WATERSHED (NATOMAS), CA	4,000	4,000
AMERICAN RIVER WATERSHED, CA	17,000	17,000
CORTE MADERA CREEK, CA	500	500
GUADALUPE RIVER, CA	5,000	5,000
HUMBOLDT HARBOR AND BAY, CA	3,200	---
IMPERIAL BEACH (SILVER STRAND SHORELINE), CA	---	351
KAWEAH RIVER, CA	---	2,000
LOS ANGELES COUNTY DRAINAGE AREA, CA	30,000	50,000
LOS ANGELES HARBOR, CA	9,785	4,785
LOWER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	2,317	2,317
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA	300	300
MERCED COUNTY STREAMS, CA	500	500
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	4,000	4,000
NAPA RIVER, CA	4,500	3,500
NORCO BLUFFS, CA	---	2,200
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	7,000	7,000
SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA	3,000	6,000
SAN LORENZO RIVER, CA	4,800	4,800
SANTA ANA RIVER MAINSTEM, CA	20,000	28,000
SANTA BARBARA HARBOR, CA	4,960	4,500
SANTA PAULA CREEK, CA	14,800	14,800

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY)	1,250	1,250
SURFSIDE-SUNSET AND NEWPORT BEACH, CA	---	400
UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	3,055	3,055
WEST SACRAMENTO, CA	7,700	7,000
DELAWARE		
DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND	---	325
DELAWARE COAST PROTECTION, DE	259	259
FLORIDA		
BREVARD COUNTY, FL	---	5,000
CANAVERAL HARBOR DEEPENING, FL	830	830
CANAVERAL HARBOR, FL	2,750	2,750
CEDAR HAMMOCK, WARES CREEK, FL	---	3,000
CENTRAL AND SOUTHERN FLORIDA, FL	52,300	52,300
DADE COUNTY, FL	2,000	5,000
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	21,100	20,000
FORT PIERCE BEACH, FL	---	1,000
JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R	6,000	6,000
KISSIMMEE RIVER, FL	39,800	28,100
LAKE WORTH INLET SAND TRANSFER PLANT, FL	---	1,000
LEE COUNTY, FL	---	350
MANATEE HARBOR, FL	4,700	4,700
MARTIN COUNTY, FL	---	250
MIAMI HARBOR CHANNEL, FL	15,000	15,000
PALM VALLEY BRIDGE, FL	3,000	6,000
PANAMA CITY HARBOR, FL	---	250
PINELLAS COUNTY, FL	2,000	2,000
TAMPA HARBOR (YBOR CHANNEL), FL	---	3,200
ST JOHN'S COUNTY, FL (SHORE PROTECTION)	---	1,000
GEORGIA		
BUFORD POWERHOUSE, GA (MAJOR REHAB)	3,650	3,350
HARTWELL LAKE POWERHOUSE, GA & SC (MAJOR REHAB)	1,500	1,500
LOWER SAVANNAH RIVER BASIN, GA	---	200
RICHARD B RUSSELL DAM AND LAKE, GA & SC	8,500	8,000
THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB)	8,000	7,500
HAWAII		
IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR)	219	219
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI	75	75
MAALAEA HARBOR, MAUI, HI	272	272

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	1,600	2,100
CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL.	100	300
CHICAGO SHORELINE, IL	7,629	13,129
DES PLAINES WETLANDS DEMONSTRATION, IL	---	1,075
EAST ST LOUIS, IL	2,000	2,000
EAST ST LOUIS INTERIOR FLOOD CONTROL, IL	---	488
LOCK AND DAM 24, MISS RIVER, IL & MO (MAJOR REHABILITA	5,044	5,044
LOCK AND DAM 25, MISSISSIPPI RIVER, IL & MO (MAJOR REH	4,456	4,456
LOVES PARK, IL	3,888	3,588
MCCOOK AND THORNTON RESERVOIRS, IL	2,500	4,500
MELVIN PRICE LOCK AND DAM, IL & MO	2,900	2,900
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	28,634	34,000
UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MO, MN	18,955	18,955
INDIANA		
FORT WAYNE METROPOLITAN AREA, IN	4,000	3,600
INDIANAPOLIS CENTRAL WATERFRONT, IN	---	8,000
INDIANA SHORELINE EROSION, IN	---	40
LITTLE CALUMET RIVER, IN	3,900	9,400
OHIO RIVER FLOOD PROTECTION (INDIANA SHORELINE), IN	---	800
PATOKA LAKE, IN (MAJOR REHAB)	2,000	2,000
WHITE RIVER, INDIANAPOLIS (NORTH), IN	---	500
IOWA		
LOCK AND DAM 12, MISSISSIPPI RIVER, IA (MAJOR REHAB)	2,600	2,300
LOCK AND DAM 14, MISSISSIPPI RIVER, IA (MAJOR REHAB)	4,092	3,792
MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K	5,000	8,000
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO	3,000	3,000
MUSCATINE ISLAND, IA	2,500	2,500
PERRY CREEK, IA	9,500	9,500
KANSAS		
ARKANSAS CITY, KS	4,300	4,300
WINFIELD, KS	154	154
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	1,450	1,450
DEWEY LAKE, KY (DAM SAFETY)	2,500	2,500
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY	7,750	15,000
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN	2,800	10,800
METROPOLITAN LOUISVILLE, POND CREEK, KY	3,251	3,251
SOUTHERN AND EASTERN KENTUCKY, KY	---	2,000

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
LOUISIANA		
ALOHA - RIGOLETTE, LA	581	581
COMITE RIVER, LA	4,000	4,000
INNER HARBOR NAVIGATION CANAL LOCK, LA	13,000	15,900
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	11,887	16,887
LAKE PONTCHARTRAIN STORMWATER DISCHARGE, LA	---	500
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	2,000	2,000
MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	1,500	1,500
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)	1,400	2,000
PORT FOURCHON, LA	2,184	2,184
RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L	21,113	23,600
SOUTHEAST LOUISIANA, LA	47,066	47,066
WEST BANK VICINITY OF NEW ORLEANS, LA	7,000	15,070
MARYLAND		
ANACOSTIA RIVER AND TRIBUTARIES, MD & DC	4,031	4,031
ATLANTIC COAST OF MARYLAND, MD	200	200
BALTIMORE HARBOR AND CHANNELS (BREWERTON CHANNEL), MD.	9,578	9,578
CHESAPEAKE BAY ENVIRON RESTOR AND PROT, MD, VA, & PA	---	340
CHESAPEAKE BAY OYSTER RECOVERY, MD	559	559
POPLAR ISLAND, MD	9,502	14,000
MASSACHUSETTS		
BOSTON HARBOR, MA	1,000	1,000
CAPE COD CANAL RAILROAD BRIDGE, MA (MAJOR REHAB)	5,000	5,000
HODGES VILLAGE DAM, MA (MAJOR REHAB)	3,257	3,000
TOWN BROOK, QUINCY AND BRAINTREE, MA	1,500	1,500
MICHIGAN		
CLINTON RIVER, MI SPILLWAY (DEFICIENCY CORRECTION)	---	250
MINNESOTA		
LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB)	3,200	3,200
MARSHALL, MN	2,275	2,275
PINE RIVER DAM, CROSS LAKE, MN (DAM SAFETY)	3,390	3,190
ST. CROIX RIVER, STILLWATER, MN	---	1,158
MISSISSIPPI		
JACKSON COUNTY, MS	---	800
NATCHEZ BLUFF, MS	---	2,000
PASCAGOULA HARBOR, MS	7,792	7,792
WOLF AND JORDAN RIVERS AND BAYOU PORTAGE, MS	---	1,000

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MISSOURI		
BLUE RIVER CHANNEL, KANSAS CITY, MO	13,700	13,700
CAPE GIRARDEAU, JACKSON, MO	1,900	1,900
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	3,500	3,200
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	3,000	3,000
STE GENEVIEVE, MO	7,000	7,000
TABLE ROCK LAKE, MO & AR (DAM SAFETY)	13,000	13,000
NEBRASKA		
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	300	1,000
WOOD RIVER, GRAND ISLAND, NE	100	100
NEVADA		
TROPICANA AND FLAMINGO WASHES, NV	20,100	29,000
NEW JERSEY		
BRIGANTINE INLET TO GREAT EGG HARBOR INLET, NJ	---	7,000
CAPE MAY INLET TO LOWER TOWNSHIP, NJ	1,700	1,700
DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE	16,500	10,000
GREAT EGG HARBOR INLET AND PECK BEACH, NJ	419	419
NEW YORK HARBOR & ADJACENT CHANNELS, PORT JERSEY CHANN	2,000	2,000
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, N	1,800	1,800
PASSAIC RIVER STREAMBANK RESTORATION, NJ	---	6,000
RAMAPO RIVER AT OAKLAND, NJ	1,300	1,300
RARITAN BAY AND SANDY HOOK BAY, NJ	---	200
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	1,000	1,000
SANDY HOOK TO BARNEGAT INLET, NJ	9,000	9,000
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM	1,500	1,500
ALAMOGORDO, NM	700	700
LAS CRUCES, NM	2,400	2,400
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	600	600
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,.	600	600
NEW YORK		
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT,	300	300
EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY,	3,320	3,320
FIRE ISLAND INLET TO JONES INLET, NY	3,000	3,000
FIRE ISLAND INLET TO MONTAUK POINT, NY	3,250	4,250
KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ	60,000	40,000
NEW YORK HARBOR COLLECTION AND REMOVAL OF DRIFT, NY&NJ	---	1,000
NEW YORK STATE CANAL SYSTEM, NY	---	4,000

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NORTH CAROLINA		
AIWW, REPLACEMENT OF FEDERAL HIGHWAY BRIDGES, NC.....	7,000	6,300
BRUNSWICK COUNTY BEACHES, NC.....	---	200
WILMINGTON HARBOR, NC.....	18,300	18,300
NORTH DAKOTA		
BUFORD-TRENTON IRRIGATION DISTRICT LAND ACQUISITION, N	5,000	5,000
DEVILS LAKE EMERGENCY OUTLET, ND.....	10,000	---
GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB).....	6,500	6,000
GRAND FORKS, ND - EAST GRAND FORKS, MN.....	10,000	10,000
HOMME LAKE, ND (DAM SAFETY).....	3,000	2,800
LAKE ASHTABULA AND BALDHILL DAM, ND (MAJOR REHAB).....	500	500
SHEYENNE RIVER, ND (BALDHILL POOL RAISE).....	---	1,000
OHIO		
BEACH CITY LAKE, MUSKINGUM RIVER LAKES, OH (DAM SAFETY	1,400	1,400
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH.....	2,266	2,266
MILL CREEK, OH.....	915	915
WEST COLUMBUS, OH.....	8,000	16,000
OKLAHOMA		
SKIATOOK LAKE, OK (DAM SAFETY).....	500	500
TENKILLER FERRY LAKE, OK (DAM SAFETY).....	6,800	6,400
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB).	10,800	10,800
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA...	6,368	5,510
ELK CREEK LAKE, OR.....	500	180
LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR & WA...	262	352
WILLAMETTE RIVER TEMPERATURE CONTROL, OR.....	1,700	1,700
PENNSYLVANIA		
JOHNSTOWN, PA (MAJOR REHAB).....	6,800	6,800
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA.....	21,600	45,000
PRESQUE ISLE PENINSULA, PA (PERMANENT).....	520	520
SAW MILL RUN, PITTSBURGH, PA.....	3,500	3,500
SOUTHEASTERN PENNSYLVANIA, PA.....	---	3,000
WYOMING VALLEY, PA (LEVEE RAISING).....	20,000	20,000

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PUERTO RICO		
ARECIBO RIVER, PR	2,500	2,500
PORTUGUES AND BUCANA RIVERS, PR	5,434	5,434
RIO DE LA PLATA, PR	1,000	1,000
RIO PUERTO NUEVO, PR	9,566	9,566
SAN JUAN HARBOR, PR	8,000	8,000
SOUTH CAROLINA		
CHARLESTON HARBOR, SC (DEEPENING & WIDENING)	37,284	37,284
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD	---	2,200
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	2,000	1,500
PIERRE, SD	10,000	7,500
TENNESSEE		
BLACK FOX, MURFREE SPRINGS, AND OAKLAND WETLANDS, TN	---	2,000
TENNESSEE RIVER, HAMILTON COUNTY, TN	---	1,500
TEXAS		
BRAYS BAYOU, HOUSTON, TX	9,800	9,800
CHANNEL TO VICTORIA, TX	8,700	7,900
CLEAR CREEK, TX	3,200	2,900
CYPRESS CREEK, HOUSTON, TX	---	4,569
EL PASO, TX	6,200	5,600
GIWW, ARANSAS NATIONAL WILDLIFE REFUGE, TX	9,000	9,000
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX	60,000	60,000
NECHES RIVER AND TRIBUTARIES SALTWATER BARRIER, TX	2,000	2,000
SAN ANTONIO CHANNEL IMPROVEMENT, TX	610	610
SIMS BAYOU, HOUSTON, TX	18,300	18,300
WALLISVILLE SALTWATER BARRIER, TX	---	4,756
VIRGINIA		
AIWW, BRIDGE AT GREAT BRIDGE, VA	3,000	3,000
JOHN H KERR DAM AND RESERVOIR, VA & NC (MAJOR REHAB)	1,400	1,400
NORFOLK HARBOR AND CHANNELS (DEEPENING), VA	550	550
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	1,197	1,197
VIRGINIA BEACH, VA (HURRICANE PROTECTION)	---	19,500
VIRGINIA BEACH, VA (REIMBURSEMENT)	---	1,400

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
WASHINGTON		
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID.....	100,000	67,500
LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	1,300	1,300
MT ST HELENS SEDIMENT CONTROL, WA.....	540	540
THE DALLES POWERHOUSE (UNITS 1-14), WA & OR (MAJOR REH	2,300	2,300
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY).....	750	750
GREENBRIER RIVER BASIN, WV.....	---	800
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	5,400	25,150
LONDON LOCKS AND DAM, KANAWHA RIVER, WV (MAJOR REHAB).	600	600
MARMET LOCK, KANAWHA RIVER, WV.....	9,800	11,350
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV & OH.....	7,150	7,150
SOUTHERN WEST VIRGINIA, WV.....	---	1,500
TYGART LAKE, WV (DAM SAFETY).....	2,900	2,900
WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, WV & PA.	---	2,600
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV.....	1,400	1,400
WISCONSIN		
LAFARGE LAKE, KICKAPOO RIVER, WI.....	---	3,000
MISCELLANEOUS		
AQUATIC PLANT CONTROL PROGRAM.....	3,000	4,000
AQUATIC ECOSYSTEM RESTORATION (SECTION 206).....	4,500	6,260
BEACH EROSION CONTROL PROJECTS (SECTION 103).....	2,500	2,500
BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204).....	1,000	1,000
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM.....	20,000	10,000
EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14).	8,500	6,500
EMPLOYEES' COMPENSATION.....	19,554	19,554
FLOOD CONTROL PROJECTS (SECTION 205).....	26,900	35,800
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE.....	45	45
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE.....	185	185
NAVIGATION MITIGATION PROJECT (SECTION 111).....	500	400
NAVIGATION PROJECTS (SECTION 107).....	4,500	7,500
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	8,500	10,000
RIVERINE ECOSYSTEM RESTORATION AND FLOOD HAZARD MITIGA	25,000	---
SNAGGING AND CLEARING PROJECT (SECTION 208).....	100	100
REDUCTION FOR ANTICIPATED SAVINGS AND SIPPAGE, AND CARRYOVER BALANCES.....	-211,789	-225,000
TOTAL, CONSTRUCTION GENERAL.....	1,239,900	1,400,722

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CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES 11:42 9/24/99 PAGE 1

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GENERAL INVESTIGATIONS		
SURVEYS:		
GENERAL STUDIES:		
MISSISSIPPI RIVER, ALEXANDER COUNTY, IL AND SCOTT	30	30
ALEXANDRIA, LA TO THE GULF OF MEXICO	700	700
DONALDSONVILLE TO THE GULF, LA	250	250
MEMPHIS METRO AREA, TN & MS	675	675
BAYOU METO BASIN, AR	1,767	1,767
MORGANZA, LA TO THE GULF OF MEXICO	700	1,000
REELFOOT LAKE, TN & KY	318	318
SPRING BAYOU, LA	---	100
WOLF RIVER, MEMPHIS, TN	525	525
COLLECTION AND STUDY OF BASIC DATA	365	365
SUBTOTAL, GENERAL INVESTIGATIONS	5,330	5,730
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	37,685	37,685
EIGHT MILE CREEK, AR	700	700
GRAND PRAIRIE REGION, AR	21,900	---
HELENA AND VICINITY, AR	2,190	2,190
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	23,250	30,000
ST FRANCIS BASIN, AR & MO	4,350	4,850
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	7,500	7,500
ATCHAFALAYA BASIN, LA	19,750	22,000
L'ANGUILLE RIVER, AR	---	100
LOUISIANA STATE PENITENTIARY LEVEE, LA	3,000	9,000
MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA & MS	100	100
MISSISSIPPI DELTA REGION, LA	10,400	10,400
TENSAS BASIN, RED RIVER BACKWATER, LA	8,930	8,930
YAZOO BASIN:	(24,279)	(41,150)
BACKWATER LESS ROCKY BAYOU, MS	20	20
BACKWATER PUMP, MS	500	1,000
BIG SUNFLOWER RIVER, MS	3,915	4,500
DEMONSTRATION EROSION CONTROL, MS	6,294	20,000
MAIN STEM, MS	20	20
REFORMULATION UNIT, MS	1,570	1,570
TRIBUTARIES, MS	340	340
UPPER YAZOO PROJECTS, MS	11,620	13,700
ST JOHNS BAYOU AND NEW MADRID FLOODWAY, MO	7,800	9,800
NONCONNAH CREEK, FLOOD CONTROL FEATURE, TN & MS	2,500	2,500
WEST TENNESSEE TRIBUTARIES, TN	2,398	2,398
SUBTOTAL, CONSTRUCTION	176,732	189,303

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CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES 11:42 9/24/99 PAGE 2

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN.....	55,876	55,876
HELENA HARBOR, PHILLIPS COUNTY, AR.....	284	284
INSPECTION OF COMPLETED WORKS, AR.....	443	443
LOWER ARKANSAS RIVER, NORTH BANK, AR.....	66	66
LOWER ARKANSAS RIVER, SOUTH BANK, AR.....	108	108
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	3,736	6,500
ST FRANCIS BASIN, AR & MO.....	6,300	8,700
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA.....	2,344	2,344
WHITE RIVER BACKWATER, AR.....	964	964
INSPECTION OF COMPLETED WORKS, IL.....	45	45
INSPECTION OF COMPLETED WORKS, KY.....	25	25
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA.....	644	644
ATCHAFALAYA BASIN, LA.....	10,560	12,810
BATON ROUGE HARBOR, DEVIL SWAMP, LA.....	157	157
BAYOU COCODRIE AND TRIBUTARIES, LA.....	101	101
BONNET CARRE, LA.....	1,068	1,068
INSPECTION OF COMPLETED WORKS, LA.....	373	373
LOWER RED RIVER, SOUTH BANK LEVEES, LA.....	84	84
MISSISSIPPI DELTA REGION, LA.....	436	436
OLD RIVER, LA.....	4,027	4,027
TENSAS BASIN, RED RIVER BACKWATER, LA.....	2,927	2,927
GREENVILLE HARBOR, MS.....	333	333
INSPECTION OF COMPLETED WORKS, MS.....	193	193
VICKSBURG HARBOR, MS.....	199	199
YAZOO BASIN:	(20,475)	(24,506)
ARKABUTLA LAKE, MS.....	3,265	4,265
BIG SUNFLOWER RIVER, MS.....	209	209
ENID LAKE, MS.....	3,214	4,214
GREENWOOD, MS.....	946	946
GRENADA LAKE, MS.....	4,280	5,280
MAIN STEM, MS.....	1,059	1,059
SARDIS LAKE, MS.....	4,334	5,334
TRIBUTARIES, MS.....	1,269	1,300
WILL M WHITTINGTON AUXILIARY CHANNEL, MS.....	493	493
YAZOO BACKWATER AREA, MS.....	560	560
YAZOO CITY, MS.....	846	846
INSPECTION OF COMPLETED WORKS, MO.....	202	202
WAPPAPELLO LAKE, MO.....	3,500	3,500
INSPECTION OF COMPLETED WORKS, TN.....	113	113
MEMPHIS HARBOR, MCKELLAR LAKE, TN.....	800	800
MAPPING.....	1,117	1,117
SUBTOTAL, MAINTENANCE.....	117,500	128,945
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE.....	-19,562	-14,562
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES.....	280,000	309,416

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL	3,000	3,000
ALABAMA - COOSA RIVER, AL	5,185	5,385
BAYOU CODEN, AL	---	500
BAYOU LA BATRE, AL	10	10
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	15,917	19,200
BON SECOUR, AL	---	150
DAUPHIN ISLAND BAY, AL	---	500
DOG AND FOWL RIVERS, AL	---	500
GULF INTRACOASTAL WATERWAY, AL	4,000	5,500
INSPECTION OF COMPLETED WORKS, AL	40	40
MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY LA	5,560	5,560
MOBILE HARBOR, AL	17,562	19,562
PERDIDO PASS, AL	---	250
PROJECT CONDITION SURVEYS, AL	300	300
REGIONAL SEDIMENT MANAGEMENT PILOT PROJECT, AL & FL	---	1,000
ROBERT F HENRY LOCK AND DAM, AL	6,183	6,183
SCHEDULING RESERVOIR OPERATIONS, AL	95	95
TENNESSEE - TOMBIGBEE WATERWAY, AL & MS	19,999	21,000
WALTER F GEORGE LOCK AND DAM, AL & GA	7,910	7,910
ALASKA		
ANCHORAGE HARBOR, AK	1,794	1,794
CHENA RIVER LAKES, AK	1,552	1,552
DILLINGHAM HARBOR, AK	401	401
HOMER HARBOR, AK	188	188
INSPECTION OF COMPLETED WORKS, AK	35	35
LOWELL CREEK TUNNEL (SEWARD), AK	---	1,000
NINILCHIK HARBOR, AK	180	180
NOME HARBOR, AK	460	460
PETERSBURG HARBOR, AK	88	88
PROJECT CONDITION SURVEYS, AK	502	502
ST PAUL HARBOR, AK	384	384
WRANGELL NARROWS, AK	1,024	1,024
ARIZONA		
ALAMO LAKE, AZ	1,180	1,180
INSPECTION OF COMPLETED WORKS, AZ	75	75
PAINTED ROCK DAM, AZ	1,118	1,118
SCHEDULING RESERVOIR OPERATIONS, AZ	27	27
WHITLOW RANCH DAM, AZ	155	155
ARKANSAS		
BEAVER LAKE, AR	3,702	3,702
BLAKELY MT DAM, LAKE OUACHITA, AR	5,585	5,585
BLUE MOUNTAIN LAKE, AR	1,117	1,117

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
BULL SHOALS LAKE, AR	5,536	5,536
DARDANELLE LOCK AND DAM, AR	5,673	5,673
DEGRAY LAKE, AR	4,167	4,167
DEQUEEN LAKE, AR	1,285	1,285
DIERKS LAKE, AR	1,054	1,054
GILLHAM LAKE, AR	1,002	1,002
GREERS FERRY LAKE, AR	4,946	4,946
HELENA HARBOR, PHILLIPS COUNTY, AR	295	295
INSPECTION OF COMPLETED WORKS, AR	283	283
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	25,086	25,086
MILLWOOD LAKE, AR	1,816	1,816
NARROWS DAM, LAKE GREESON, AR	3,498	3,498
NIMROD LAKE, AR	1,367	1,367
NORFORK LAKE, AR	3,803	3,803
OSCEOLA HARBOR, AR	523	523
OUACHITA AND BLACK RIVERS, AR & LA	6,538	6,538
OZARK - JETA TAYLOR LOCK AND DAM, AR	5,515	5,515
WHITE RIVER, AR	2,363	2,363
YELLOW BEND PORT, AR	171	171
CALIFORNIA		
BLACK BUTTE LAKE, CA	1,844	1,844
BUCHANAN DAM, H V EASTMAN LAKE, CA	2,055	2,055
CHANNEL ISLANDS HARBOR, CA	170	170
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	3,877	3,877
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	4,272	4,272
FARMINGTON DAM, CA	332	332
HIDDEN DAM, HENSLEY LAKE, CA	2,069	2,069
HUMBOLDT HARBOR AND BAY, CA	4,189	4,189
INSPECTION OF COMPLETED WORKS, CA	1,021	1,021
ISABELLA LAKE MITIGATION, CA	3,700	3,700
ISABELLA LAKE, CA	1,456	1,456
LARKSPUR FERRY CHANNEL, CA	---	3,340
LOS ANGELES - LONG BEACH HARBOR MODEL, CA	165	165
LOS ANGELES - LONG BEACH HARBORS, CA	100	1,000
LOS ANGELES COUNTY DRAINAGE AREA, CA	3,940	3,940
MARINA DEL REY, CA	---	3,500
MERCED COUNTY STREAMS, CA	277	277
MOJAVE RIVER DAM, CA	246	246
MORRO BAY HARBOR, CA	2,818	3,818
NEW HOGAN LAKE, CA	1,894	1,894
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,081	1,081
NEWPORT BAY HARBOR, CA	40	40
NOYO RIVER & HARBOR, CA	758	758
OAKLAND HARBOR, CA	8,149	8,149
OCEANSIDE HARBOR, CA	1,170	1,170
PINE FLAT LAKE, CA	2,301	2,301
PORT OF HUENEME, CA	---	2,700
PROJECT CONDITION SURVEYS, CA	1,138	1,138

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
RICHMOND HARBOR, CA	5,546	5,546
SACRAMENTO RIVER (30 FOOT PROJECT), CA	1,656	1,656
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA.	1,149	1,149
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	153	153
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	2,289	2,289
SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA	2,473	2,473
SAN FRANCISCO HARBOR, CA	2,441	2,441
SAN JOAQUIN RIVER, CA	1,662	1,662
SANTA ANA RIVER BASIN, CA	3,007	3,007
SANTA BARBARA HARBOR, CA	1,646	1,646
SCHEDULING RESERVOIR OPERATIONS, CA	1,516	1,516
SUCCESS LAKE, CA	1,880	1,880
SUISUN BAY CHANNEL, CA	2,995	2,995
TERMINUS DAM, LAKE KAWEAH, CA	1,684	1,684
VENTURA HARBOR, CA	2,875	2,875
YUBA RIVER, CA	36	36
COLORADO		
BEAR CREEK LAKE, CO	454	454
CHATFIELD LAKE, CO	778	778
CHERRY CREEK LAKE, CO	530	330
INSPECTION OF COMPLETED WORKS, CO	129	129
JOHN MARTIN RESERVOIR, CO	2,051	2,051
SCHEDULING RESERVOIR OPERATIONS, CO	300	300
TRINIDAD LAKE, CO	702	702
CONNECTICUT		
BLACK ROCK LAKE, CT	328	328
COLEBROOK RIVER LAKE, CT	412	412
HANCOCK BROOK LAKE, CT	232	232
HOP BROOK LAKE, CT	797	797
MANSFIELD HOLLOW LAKE, CT	512	512
NORTHFIELD BROOK LAKE, CT	290	290
STAMFORD HURRICANE BARRIER, CT	340	340
THOMASTON DAM, CT	556	556
WEST THOMPSON LAKE, CT	418	418
DELAWARE		
CEDAR CREEK, DE	265	265
CHESAPEAKE AND DELAWARE CANAL, ST GEORGE'S BRIDGE REPL	4,000	4,000
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	19,518	19,518
INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	456	456
MISPILLION RIVER, DE	305	305
MURDERKILL RIVER, DE	430	430
WILMINGTON HARBOR, DE	3,395	3,395

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
DISTRICT OF COLUMBIA		
POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC	880	880
POTOMAC RIVER BELOW WASHINGTON, DC	985	985
WASHINGTON HARBOR, DC	37	37
FLORIDA		
AIWW, NORFOLK, VA TO ST JOHNS RIVER, FL, GA, SC, NC &	30	30
APALACHICOLA BAY, FL	---	1,000
CANAVERAL HARBOR, FL	7,332	7,332
CENTRAL AND SOUTHERN FLORIDA, FL	8,470	8,470
FERNANDINA HARBOR, FL	2,652	2,652
FORT PIERCE HARBOR, FL	1,023	1,023
INSPECTION OF COMPLETED WORKS, FL	100	100
INTRACOASTAL WATERWAY, CALOOSAHATCHEE R TO ANCLOTE R,	50	50
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	3,286	3,286
JACKSONVILLE HARBOR, FL	7,193	7,193
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA	5,699	5,699
LAGRANGE BAYOU, WALTON COUNTY, FL	---	250
MANATEE HARBOR, FL	2,620	2,620
MIAMI HARBOR, FL	4,200	5,000
OKEECHOBEE WATERWAY, FL	4,680	4,680
OKLAWAHA RIVER, FL	10	10
PALM BEACH HARBOR, FL	2,101	2,101
PANAMA CITY HARBOR, FL	1,300	1,300
PONCE DE LEON INLET, FL	7,696	7,696
PORT EVERGLADES HARBOR, FL	2,900	2,900
PROJECT CONDITION SURVEYS, FL	400	400
REMOVAL OF AQUATIC GROWTH, FL	3,130	3,130
SCHEDULING RESERVOIR OPERATIONS, FL	70	70
ST LUCIE INLET, FL	2,242	2,242
ST PETERSBURG, FL	---	3,200
TAMPA HARBOR, FL	7,041	7,041
WITHLACOOCHIE RIVER, FL	34	34
GEORGIA		
ALLATOONA LAKE, GA	6,328	6,328
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	5,830	6,500
ATLANTIC INTRACOASTAL WATERWAY, GA	2,310	2,310
BRUNSWICK HARBOR, GA	6,231	6,231
BUFORD DAM AND LAKE SIDNEY LANIER, GA	7,000	7,000
CARTERS DAM AND LAKE, GA	8,150	8,150
HARTWELL LAKE, GA & SC	9,500	9,500
INSPECTION OF COMPLETED WORKS, GA	41	41
J STROM THURMOND LAKE, GA & SC	8,750	8,750
RICHARD B RUSSELL DAM AND LAKE, GA & SC	8,000	8,000
SAVANNAH HARBOR, GA	13,757	13,757
SAVANNAH RIVER BELOW AUGUSTA, GA	2,340	2,340

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
WEST POINT DAM AND LAKE, GA & AL	6,200	6,200
HAWAII		
BARBERS POINT HARBOR, HI	121	121
INSPECTION OF COMPLETED WORKS, HI	279	279
PROJECT CONDITION SURVEYS, HI	750	750
IDAHO		
ALBENI FALLS DAM, ID	2,759	2,759
DWORSHAK DAM AND RESERVOIR, ID	2,304	2,304
INSPECTION OF COMPLETED WORKS, ID	82	82
LUCKY PEAK LAKE, ID	1,238	1,238
SCHEDULING RESERVOIR OPERATIONS, ID	176	176
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ID	63	63
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN	2,539	2,539
CARLYLE LAKE, IL	4,879	4,879
CHICAGO HARBOR, IL	5,146	5,146
CHICAGO RIVER, IL	362	362
FARM CREEK RESERVOIRS, IL	185	185
ILLINOIS AND MISSISSIPPI CANAL, IL	405	405
ILLINOIS WATERWAY, IL & IN	25,368	25,368
INSPECTION OF COMPLETED WORKS, IL	432	432
KASKASKIA RIVER NAVIGATION, IL	1,588	1,588
LAKE MICHIGAN DIVERSION, IL	837	837
LAKE SHELBYVILLE, IL	5,558	5,558
MISS R BETWEEN MO R AND MINNEAPOLIS, IL, IA, MN, MO &.	103,547	105,047
NORTH BRANCH CHICAGO RIVER, IL	150	150
PROJECT CONDITION SURVEYS, IL	43	43
REND LAKE, IL	3,881	3,881
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	97	97
WAUKEGAN HARBOR, IL	736	736
INDIANA		
BROOKVILLE LAKE, IN	844	844
BURNS WATERWAY HARBOR, IN	1,829	1,829
BURNS WATERWAY SMALL BOAT HARBOR, IN	266	766
CAGLES MILL LAKE, IN	709	709
CECIL M HARDEN LAKE, IN	837	837
INDIANA HARBOR, IN	1,064	---
INSPECTION OF COMPLETED WORKS, IN	92	92
J EDWARD ROUSH LAKE, IN	802	802
MICHIGAN CITY HARBOR, IN	213	213
MISSISSINEWA LAKE, IN	825	825
MONROE LAKE, IN	803	803

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PATOKA LAKE, IN	730	730
PROJECT CONDITION SURVEYS, IN	42	42
SALAMONIE LAKE, IN	741	741
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	154	154
IOWA		
CORALVILLE LAKE, IA	2,755	2,755
INSPECTION OF COMPLETED WORKS, IA	109	109
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA	211	211
MISSOURI RIVER - SIOUX CITY TO MOUTH, IA, NE, KS & MO	7,182	7,182
RATHBUN LAKE, IA	2,147	2,147
RED ROCK DAM AND LAKE RED ROCK, IA	3,577	3,577
SAYLORVILLE LAKE, IA	3,905	3,905
KANSAS		
CLINTON LAKE, KS	1,582	1,582
COUNCIL GROVE LAKE, KS	1,130	1,130
EL DORADO LAKE, KS	560	560
ELK CITY LAKE, KS	716	716
FALL RIVER LAKE, KS	1,184	1,184
HILLSDALE LAKE, KS	938	938
INSPECTION OF COMPLETED WORKS, KS	275	275
JOHN REDMOND DAM AND RESERVOIR, KS	975	1,500
KANOPOLIS LAKE, KS	1,370	1,370
MARION LAKE, KS	1,331	1,331
MELVERN LAKE, KS	2,016	2,016
MILFORD LAKE, KS	1,856	1,856
PEARSON - SKUBITZ BIG HILL LAKE, KS	900	900
PERRY LAKE, KS	2,089	2,089
POMONA LAKE, KS	1,752	1,752
SCHEDULING RESERVOIR OPERATIONS, KS	347	347
TORONTO LAKE, KS	468	468
TUTTLE CREEK LAKE, KS	1,767	1,767
WILSON LAKE, KS	1,731	1,731
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	7,382	7,382
BARREN RIVER LAKE, KY	2,057	2,057
BIG SANDY HARBOR, KY	1,170	1,170
BUCKHORN LAKE, KY	1,209	1,209
CARR CREEK LAKE, KY	1,364	1,364
CAVE RUN LAKE, KY	819	819
DEWEY LAKE, KY	1,293	1,293
ELVIS STAHR (HICKMAN) HARBOR, KY	340	340
FISHTRAP LAKE, KY	1,609	1,609
GRAYSON LAKE, KY	1,113	1,113
GREEN AND BARREN RIVERS, KY	1,142	1,142

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GREEN RIVER LAKE, KY	1,826	1,826
INSPECTION OF COMPLETED WORKS, KY	112	112
KENTUCKY RIVER, KY	1,084	2,084
LAUREL RIVER LAKE, KY	1,780	1,780
LICKING RIVER OPEN CHANNEL WORK, KY	17	17
MARTINS FORK LAKE, KY	662	662
MIDDLESBORO CUMBERLAND RIVER BASIN, KY	76	76
NOLIN LAKE, KY	1,907	1,907
OHIO RIVER LOCKS AND DAMS, KY, IL, IN, OH, PA & WV	83,884	83,884
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN, OH, PA & WV	5,789	5,789
PAINTSVILLE LAKE, KY	932	932
ROUGH RIVER LAKE, KY	1,625	1,625
TAYLORSVILLE LAKE, KY	1,043	1,043
WOLF CREEK DAM, LAKE CUMBERLAND, KY	5,345	5,995
YATESVILLE LAKE, KY	1,071	1,071
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	12,631	13,221
BARATARIA BAY WATERWAY, LA	2,119	2,119
BAYOU BODCAU RESERVOIR, LA	509	509
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA	5	5
BAYOU PIERRE, LA	25	25
BAYOU TECHE AND VERMILION RIVER, LA	32	32
BAYOU TECHE, LA	212	5,212
CADDO LAKE, LA	127	127
CALCASIEU RIVER AND PASS, LA	7,560	8,400
FRESHWATER BAYOU, LA	3,585	3,585
GRAND ISLE AND VICINITY, LA	---	455
GULF INTRACOASTAL WATERWAY, LA	12,506	13,646
HOUMA NAVIGATION CANAL, LA	3,443	3,443
INSPECTION OF COMPLETED WORKS, LA	260	260
LAKE PROVIDENCE HARBOR, LA	579	579
MADISON PARISH PORT, LA	93	93
MERMENTAU RIVER, LA	2,445	2,445
MISSISSIPPI RIVER OUTLETS AT VENICE, LA	2,743	2,743
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO,	64,430	64,430
MISSISSIPPI RIVER, GULF OUTLET, LA	14,989	16,000
PROJECT CONDITION SURVEYS, LA	80	80
RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L	8,781	10,781
REMOVAL OF AQUATIC GROWTH, LA	2,270	2,270
WALLACE LAKE, LA	209	209
MAINE		
PORTLAND HARBOR, ME	6,985	6,985
PROJECT CONDITION SURVEYS, ME	1,030	1,030
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME	17	17

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MARYLAND		
BALTIMORE HARBOR (DRIFT REMOVAL), MD	440	440
BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	625	625
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	16,142	16,142
CUMBERLAND, MD AND RIDGELEY, WV	140	140
INSPECTION OF COMPLETED WORKS, MD	324	324
JENNINGS RANDOLPH LAKE, MD & WV	1,616	1,616
KNAPPS NARROWS, MD	770	770
NANTICOKE RIVER NORTHWEST FORK, MD	850	850
NORTHEAST RIVER, MD	770	770
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD	380	380
PROJECT CONDITION SURVEYS, MD	450	450
SCHEDULING RESERVOIR OPERATIONS, MD	143	143
TOLCHESTER CHANNEL, MD	5,800	5,800
WICOMICO RIVER, MD	895	895
MASSACHUSETTS		
BARRE FALLS DAM, MA	494	494
BIRCH HILL DAM, MA	423	423
BUFFUMVILLE LAKE, MA	443	443
CAPE COD CANAL, MA	10,816	10,816
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	202	202
CHATHAM (STAGE) HARBOR, MA	215	215
CONANT BROOK LAKE, MA	168	168
CUTTYHUNK HARBOR, MA	118	118
EAST BRIMFIELD LAKE, MA	375	375
GREEN HARBOR, MA	332	332
HODGES VILLAGE DAM, MA	381	381
INSPECTION OF COMPLETED WORKS, MA	125	125
KNIGHTVILLE DAM, MA	362	362
LITTLEVILLE LAKE, MA	395	395
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,	280	280
NEW BEDFORD HARBOR, MA	230	230
PROJECT CONDITION SURVEYS, MA	3,227	3,227
SALEM HARBOR, MA	175	175
TULLY LAKE, MA	391	391
WEST HILL DAM, MA	550	550
WESTVILLE LAKE, MA	414	414
MICHIGAN		
ALPENA HARBOR, MI	441	441
ARCADIA HARBOR, MI	68	68
BAY PORT HARBOR, MI	227	227
CASEVILLE HARBOR, MI	333	333
CEDAR RIVER HARBOR, MI	---	500
CHANNELS IN LAKE ST CLAIR, MI	512	512
CHARLEVOIX HARBOR, MI	133	133

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
CLINTON RIVER, MI	368	368
DETROIT RIVER, MI	3,235	3,235
FRANKFORT HARBOR, MI	363	363
GRAND HAVEN HARBOR, MI	615	615
GRAND TRAVERSE BAY HARBOR, MI	345	345
HARRISVILLE HARBOR, MI	142	142
HOLLAND HARBOR, MI	379	379
INLAND ROUTE, MI	43	43
INSPECTION OF COMPLETED WORKS, MI	205	205
KEWEENAW WATERWAY, MI	291	291
LAC LA BELLE, MI	156	156
LELAND HARBOR, MI	156	156
LEXINGTON HARBOR, MI	247	247
LITTLE LAKE HARBOR, MI	97	97
LUDINGTON HARBOR, MI	1,152	1,152
MANISTEE HARBOR, MI	52	52
MANISTIQUE HARBOR, MI	1,356	1,356
MENOMINEE HARBOR, MI & WI	28	28
MONROE HARBOR, MI	137	137
MUSKEGON HARBOR, MI	120	120
NEW BUFFALO HARBOR, MI	444	444
ONTONAGON HARBOR, MI	400	400
PENTWATER HARBOR, MI	1,708	1,708
POINT LOOKOUT HARBOR, MI	328	328
PORTAGE LAKE HARBOR, MI	579	579
PRESQUE ISLE HARBOR, MI	134	134
PROJECT CONDITION SURVEYS, MI	195	195
ROUGE RIVER, MI	57	57
SAGINAW RIVER, MI	1,387	1,387
SAUGATUCK HARBOR, MI	2,042	2,042
SEBEWAING RIVER (ICE JAM REMOVAL), MI	10	10
SOUTH HAVEN HARBOR, MI	488	488
ST CLAIR RIVER, MI	1,064	1,064
ST JOSEPH HARBOR, MI	667	667
ST MARYS RIVER, MI	21,957	21,957
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	2,426	2,426
WHITE LAKE HARBOR, MI	324	324
WHITEFISH POINT HARBOR, MI	115	115
MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN & SD	209	209
DULUTH - SUPERIOR HARBOR, MN & WI	2,480	2,480
INSPECTION OF COMPLETED WORKS, MN	161	161
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	527	527
MINNESOTA RIVER, MN	155	155
ORWELL LAKE, MN	561	561
PROJECT CONDITION SURVEYS, MN	57	57
RED LAKE RESERVOIR, MN	242	242
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	3,219	3,219

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN.....	64	64
MISSISSIPPI		
BILOXI HARBOR, MS.....	15	15
CLAIBORNE COUNTY PORT, MS.....	108	108
EAST FORK, TOMBIGBEE RIVER, MS.....	150	150
GULFPORT HARBOR, MS.....	2,216	2,216
INSPECTION OF COMPLETED WORKS, MS.....	360	360
MOUTH OF YAZOO RIVER, MS.....	104	104
OKATIBBEE LAKE, MS.....	1,620	1,620
PASCAGOULA HARBOR, MS.....	3,417	3,417
PEARL RIVER, MS & LA.....	263	263
ROSEDALE HARBOR, MS.....	1,034	1,034
YAZOO RIVER, MS.....	15	15
MISSOURI		
CARUTHERSVILLE HARBOR, MO.....	200	200
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO.....	5,174	5,174
CLEARWATER LAKE, MO.....	2,248	2,248
HARRY S TRUMAN DAM AND RESERVOIR, MO.....	8,613	8,613
INSPECTION OF COMPLETED WORKS, MO.....	669	669
LITTLE BLUE RIVER LAKES, MO.....	825	825
LONG BRANCH LAKE, MO.....	801	801
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	13,544	13,544
NEW MADRID HARBOR, MO.....	269	269
POMME DE TERRE LAKE, MO.....	1,888	1,888
PROJECT CONDITION SURVEYS, MO.....	30	30
SMITHVILLE LAKE, MO.....	1,083	1,083
SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER, MO.....	421	421
STOCKTON LAKE, MO.....	3,247	3,247
TABLE ROCK LAKE, MO.....	5,963	5,963
WAPPAPELLO LAKE, MO.....	20	20
MONTANA		
FT PECK DAM AND LAKE, MT.....	3,842	3,842
INSPECTION OF COMPLETED WORKS, MT.....	21	21
LIBBY DAM, LAKE KOOCANUSA, MT.....	2,520	2,520
SCHEDULING RESERVOIR OPERATIONS, MT.....	48	48
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MT.....	67	67
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD.....	7,184	7,184
HARLAN COUNTY LAKE, NE.....	2,379	2,379
INSPECTION OF COMPLETED WORKS, NE.....	150	150
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO,.	900	900
MISSOURI NATIONAL RIVER.....	---	250

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING, NE.	250	250
PAPILLION CREEK & TRIBUTARIES LAKES, NE.....	678	678
SALT CREEK AND TRIBUTARIES, NE.....	796	796
SCHEDULING RESERVOIR OPERATIONS, NE.....	106	106
NEVADA		
INSPECTION OF COMPLETED WORKS, NV.....	37	37
MARTIS CREEK LAKE, NV & CA.....	532	532
PINE AND MATHEWS CANYONS LAKES, NV.....	181	181
NEW HAMPSHIRE		
BLACKWATER DAM, NH.....	361	361
EDWARD MACDOWELL LAKE, NH.....	394	394
FRANKLIN FALLS DAM, NH.....	502	502
HOPKINTON - EVERETT LAKES, NH.....	941	941
OTTER BROOK LAKE, NH.....	479	479
PORTSMOUTH HARBOR, PISCATAQUA RIVER, NH.....	---	20
SURRY MOUNTAIN LAKE, NH.....	485	485
NEW JERSEY		
BARNEGAT INLET, NJ.....	1,270	2,270
COLD SPRING INLET, NJ.....	545	545
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE..	15,356	16,856
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ.....	3,280	3,280
NEW JERSEY INTRACOASTAL WATERWAY, NJ.....	1,854	1,854
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ.....	165	165
RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ.....	700	700
RARITAN RIVER, NJ.....	1,191	1,191
SALEM RIVER, NJ.....	---	940
SHREWSBURY RIVER, MAIN CHANNEL, NJ.....	70	70
NEW MEXICO		
ABIQUIU DAM, NM.....	1,198	1,198
COCHITI LAKE, NM.....	1,926	1,926
CONCHAS LAKE, NM.....	1,150	1,150
GALISTEO DAM, NM.....	315	315
INSPECTION OF COMPLETED WORKS, NM.....	103	103
JEMEZ CANYON DAM, NM.....	600	600
SANTA ROSA DAM AND LAKE, NM.....	836	836
SCHEDULING RESERVOIR OPERATIONS, NM.....	115	115
TWO RIVERS DAM, NM.....	303	303
UPPER RIO GRANDE WATER OPERATIONS MODEL.....	---	800
NEW YORK		
ALMOND LAKE, NY.....	451	451

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ARKPORT DAM, NY	228	228
BAY RIDGE AND RED HOOK CHANNELS, NY	70	70
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	1,053	1,053
BRONX RIVER, NY	70	70
BUFFALO HARBOR, NY	1,425	1,425
BUTTERMILK CHANNEL, NY	700	700
CATTARAUGUS CREEK HARBOR, NY	50	50
DUNKIRK HARBOR, NY	510	510
EAST RIVER, NY	150	150
EAST ROCKAWAY INLET, NY	250	250
EAST SIDNEY LAKE, NY	463	463
EASTCHESTER CREEK, NY	2,000	2,000
FIRE ISLAND INLET TO JONES INLET, NY	505	533
FIRE ISLAND INLET, NY	810	810
FLUSHING BAY AND CREEK, NY	325	325
GLEN COVE CREEK, NY	125	125
GREAT SODUS BAY HARBOR, NY	200	200
GREAT SOUTH BAY, NY	40	40
HUDSON RIVER CHANNEL, NY	200	200
HUDSON RIVER, NY	2,575	2,575
INSPECTION OF COMPLETED WORKS, NY	808	808
JAMAICA BAY, NY	250	250
JONES INLET, NY	1,200	1,200
LAKE MONTAUK HARBOR, NY	60	60
LONG ISLAND INTRACOASTAL WATERWAY, NY	200	200
MATTITUCK HARBOR, NY	220	220
MORICHES INLET, NY	70	70
MT MORRIS LAKE, NY	3,975	3,975
NEW YORK AND NEW JERSEY CHANNELS, NY	953	953
NEW YORK HARBOR (DRIFT REMOVAL), NY & NJ	4,955	4,955
NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	740	740
NEW YORK HARBOR, NY	6,105	6,105
OSWEGO HARBOR, NY	395	395
PORTCHESTER HARBOR, NY	60	60
PROJECT CONDITION SURVEYS, NY	1,706	1,706
ROCHESTER HARBOR, NY	815	815
ROUSES POINT, NY	25	25
SAG HARBOR, NY	800	800
SHINNECOCK INLET, NY	100	100
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	728	728
STURGEON POINT HARBOR, NY	15	15
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	565	565
WESTCHESTER CREEK, NY	70	70
WHITNEY POINT LAKE, NY	542	542
NORTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, NC	5,552	5,552
B EVERETT JORDAN DAM AND LAKE, NC	1,346	1,346
BOGUE INLET AND CHANNEL, NC	550	550

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
CAPE FEAR RIVER ABOVE WILMINGTON, NC	707	707
CAROLINA BEACH INLET, NC	1,346	1,346
FALLS LAKE, NC	1,029	1,029
INSPECTION OF COMPLETED WORKS, NC	22	22
LOCKWOODS FOLLY RIVER, NC	380	380
MANTEO (SHALLOWBAG) BAY, NC	4,998	4,998
MASONBORO INLET AND CONNECTING CHANNELS, NC	45	45
MOREHEAD CITY HARBOR, NC	3,709	3,709
NEW RIVER INLET, NC	825	825
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	210	210
PAMLICO AND TAR RIVERS, NC	139	139
PROJECT CONDITION SURVEYS, NC	59	59
ROANOKE RIVER, NC	100	100
W KERR SCOTT DAM AND RESERVOIR, NC	1,660	1,660
WILMINGTON HARBOR, NC	6,431	6,431
NORTH DAKOTA		
BOWMAN - HALEY LAKE, ND	204	204
GARRISON DAM, LAKE SAKAKAWEA, ND	7,997	7,997
HOMME LAKE, ND	174	174
INSPECTION OF COMPLETED WORKS, ND	13	13
LAKE ASHTABULA AND BALDHILL DAM, ND	1,460	1,460
PIPESTEM LAKE, ND	802	802
SOURIS RIVER, ND	368	368
OHIO		
ALUM CREEK LAKE, OH	667	667
ASHTABULA HARBOR, OH	845	845
BERLIN LAKE, OH	4,503	4,503
CAESAR CREEK LAKE, OH	1,228	1,228
CLARENCE J BROWN DAM, OH	719	719
CLEVELAND HARBOR, OH	5,535	5,535
CONNEAUT HARBOR, OH	1,352	1,352
DEER CREEK LAKE, OH	670	670
DELAWARE LAKE, OH	1,917	1,917
DILLON LAKE, OH	746	746
FAIRPORT HARBOR, OH	481	481
HURON HARBOR, OH	840	840
INSPECTION OF COMPLETED WORKS, OH	228	228
LORAIN HARBOR, OH	790	790
MASSILLON LOCAL PROTECTION PROJECT, OH	25	25
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	1,200	1,200
MOSQUITO CREEK LAKE, OH	1,422	1,422
MUSKINGUM RIVER LAKES, OH	7,078	7,078
NORTH BRANCH KOKOSING RIVER LAKE, OH	327	327
PAINT CREEK LAKE, OH	673	673
PORTSMOUTH HARBOR, OH	80	80
PROJECT CONDITION SURVEYS, OH	74	74

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ROCKY RIVER, OH	340	1,400
ROSEVILLE LOCAL PROTECTION PROJECT, OH	30	30
SANDUSKY HARBOR, OH	1,037	1,037
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	174	174
TOLEDO HARBOR, OH	3,385	3,385
TOM JENKINS DAM, OH	279	279
WEST FORK OF MILL CREEK LAKE, OH	574	574
WILLIAM H HARSHA LAKE, OH	856	856
OKLAHOMA		
ARCADIA LAKE, OK	403	403
BIRCH LAKE, OK	611	611
BROKEN BOW LAKE, OK	1,508	1,508
CANDY LAKE, OK	30	30
CANTON LAKE, OK	2,497	2,497
COPAN LAKE, OK	1,020	1,020
EUFAULA LAKE, OK	7,366	7,366
FORT GIBSON LAKE, OK	4,034	4,034
FORT SUPPLY LAKE, OK	751	751
GREAT SALT PLAINS LAKE, OK	259	259
HEYBURN LAKE, OK	697	697
HUGO LAKE, OK	1,404	1,404
HULAH LAKE, OK	491	491
INSPECTION OF COMPLETED WORKS, OK	91	91
KAW LAKE, OK	2,740	2,740
KEYSTONE LAKE, OK	6,543	6,543
OOLOGAH LAKE, OK	2,947	3,447
OPTIMA LAKE, OK	74	74
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	32	32
PINE CREEK LAKE, OK	1,414	1,414
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	4,501	4,501
SARDIS LAKE, OK	1,287	1,287
SCHEDULING RESERVOIR OPERATIONS, OK	369	369
SKIATOOK LAKE, OK	1,084	1,084
TENKILLER FERRY LAKE, OK	3,400	3,400
WAURIKA LAKE, OK	1,997	1,997
WEBBERS FALLS LOCK AND DAM, OK	3,066	3,066
WISTER LAKE, OK	679	679
OREGON		
APPLEGATE LAKE, OR	872	872
BLUE RIVER LAKE, OR	297	297
BONNEVILLE LOCK AND DAM, OR & WA	5,747	5,747
CHETCO RIVER, OR	442	442
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	15,173	17,473
COLUMBIA RIVER AT THE MOUTH, OR & WA	7,426	7,426
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	356	356
COOS BAY, OR	4,112	4,112

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
COQUILLE RIVER, OR	434	434
COTTAGE GROVE LAKE, OR	913	913
COUGAR LAKE, OR	690	690
DEPOE BAY, OR	178	178
DETROIT LAKE, OR	609	609
DORENA LAKE, OR	556	556
FALL CREEK LAKE, OR	433	433
FERN RIDGE LAKE, OR	997	997
GREEN PETER - FOSTER LAKES, OR	1,001	1,001
HILLS CREEK LAKE, OR	334	334
INSPECTION OF COMPLETED WORKS, OR	163	163
JOHN DAY LOCK AND DAM, OR & WA	3,450	3,450
LOOKOUT POINT LAKE, OR	1,692	1,692
LOST CREEK LAKE, OR	3,594	3,594
MCNARY LOCK AND DAM, OR & WA	4,501	4,501
PORT ORFORD, OR	737	787
PROJECT CONDITION SURVEYS, OR	137	137
ROGUE RIVER, OR	866	866
SCHEDULING RESERVOIR OPERATIONS, OR	105	105
SIUSLAW RIVER, OR	809	809
SKIPANON CHANNEL, OR	1,013	1,013
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	7	7
TILLAMOOK BAY AND BAR, OR	14	14
UMPQUA RIVER, OR	1,254	1,254
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	514	514
WILLAMETTE RIVER BANK PROTECTION, OR	66	66
WILLOW CREEK LAKE, OR	637	637
YAQUINA BAY AND HARBOR, OR	3,691	4,000
PENNSYLVANIA		
ALLEGHENY RIVER, PA	9,789	9,789
ALVIN R BUSH DAM, PA	749	749
AYLESWORTH CREEK LAKE, PA	232	232
BELTZVILLE LAKE, PA	875	875
BLUE MARSH LAKE, PA	2,002	2,002
CONEMAUGH RIVER LAKE, PA	940	940
COWANESQUE LAKE, PA	1,824	1,824
CROOKED CREEK LAKE, PA	2,312	2,312
CURWENSVILLE LAKE, PA	669	800
EAST BRANCH CLARION RIVER LAKE, PA	884	884
ERIE HARBOR, PA	123	123
FOSTER JOSEPH SAYERS DAM, PA	712	712
FRANCIS E WALTER DAM, PA	796	796
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	248	248
INSPECTION OF COMPLETED WORKS, PA	143	143
JOHNSTOWN, PA	13	13
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,388	1,388
LOYALHANNA LAKE, PA	1,086	1,086
MAHONING CREEK LAKE, PA	879	879

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MONONGAHELA RIVER, PA	12,395	12,395
PROJECT CONDITION SURVEYS, PA	86	86
PROMPTON LAKE, PA	935	935
PUNXSUTAWNEY, PA	13	13
RAYSTOWN LAKE, PA	3,042	3,900
SCHUYLKILL RIVER, PA	2,565	2,565
SHENANGO RIVER LAKE, PA	2,121	2,121
STILLWATER LAKE, PA	387	387
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	70	70
TIOGA - HAMMOND LAKES, PA	1,968	1,968
TIONESTA LAKE, PA	2,075	2,075
UNION CITY LAKE, PA	259	259
WOODCOCK CREEK LAKE, PA	796	796
YORK INDIAN ROCK DAM, PA	542	542
YOUGHIOGHENY RIVER LAKE, PA & MD	2,184	2,184
RHODE ISLAND		
BLOCK ISLAND HARBOR OF REFUGE, RI	675	675
PROVIDENCE RIVER AND HARBOR, RI	3,906	3,906
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC	3,391	3,391
CHARLESTON HARBOR, SC	5,779	5,779
COOPER RIVER, CHARLESTON HARBOR, SC	3,375	3,375
FOLLY RIVER, SC	236	236
GEORGETOWN HARBOR, SC	4,064	4,064
INSPECTION OF COMPLETED WORKS, SC	26	26
PORT ROYAL HARBOR, SC	1,424	1,424
PROJECT CONDITION SURVEYS, SC	75	75
SHIPYARD RIVER, SC	811	811
TOWN CREEK, SC	345	345
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD	6,853	6,853
COLD BROOK LAKE, SD	644	644
COTTONWOOD SPRINGS LAKE, SD	223	223
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	8,091	8,091
INSPECTION OF COMPLETED WORKS, SD	13	13
LAKE TRAVERSE, SD & MN	642	642
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	130	130
OAHE DAM, LAKE OAHE, SD & ND	10,812	10,812
SCHEDULING RESERVOIR OPERATIONS, SD	61	61
TENNESSEE		
CENTER HILL LAKE, TN	5,167	5,167
CHEATHAM LOCK AND DAM, TN	5,704	5,704

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
CHICKAMAUGA LOCK, TN	---	2,800
CORDELL HULL DAM AND RESERVOIR, TN	4,220	4,220
DALE HOLLOW LAKE, TN	4,200	4,200
INSPECTION OF COMPLETED WORKS, TN	4	4
J PERCY PRIEST DAM AND RESERVOIR, TN	3,396	3,506
OLD HICKORY LOCK AND DAM, TN	6,006	6,516
TENNESSEE RIVER, TN	16,123	16,123
WOLF RIVER HARBOR, TN	388	388
TEXAS		
AQUILLA LAKE, TX	602	602
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,242	1,242
BARBOUR TERMINAL CHANNEL, TX	1,000	1,000
BARDWELL LAKE, TX	1,436	1,436
BAYPORT SHIP CHANNEL, TX	1,625	1,625
BELTON LAKE, TX	2,542	2,542
BENBROOK LAKE, TX	1,896	1,896
BRAZOS ISLAND HARBOR, TX	1,062	1,062
BUFFALO BAYOU AND TRIBUTARIES, TX	2,034	2,034
CANYON LAKE, TX	2,265	2,265
CEDAR BAYOU, TX	1,131	1,131
CHANNEL TO HARLINGEN, TX	950	950
CORPUS CHRISTI SHIP CHANNEL, TX	4,690	4,690
CORPUS CHRISTI SHIP CHANNEL, BARGE LANES, TX	---	400
DENISON DAM, LAKE TEXOMA, TX	6,728	6,728
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	14	14
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX	2,288	2,288
FREEPORT HARBOR, TX	5,100	5,100
GALVESTON HARBOR AND CHANNEL, TX	1,985	1,985
GIWW, CHANNEL TO VICTORIA, TX	315	315
GRANGER DAM AND LAKE, TX	1,652	1,652
GRAPEVINE LAKE, TX	2,267	2,267
GULF INTRACOASTAL WATERWAY, TX	23,072	23,072
HORDS CREEK LAKE, TX	1,201	1,201
HOUSTON SHIP CHANNEL, TX	6,416	6,416
INSPECTION OF COMPLETED WORKS, TX	854	854
JIM CHAPMAN LAKE, TX	1,045	1,045
JOE POOL LAKE, TX	740	740
LAKE KEMP, TX	154	154
LAVON LAKE, TX	2,390	2,390
LEWISVILLE DAM, TX	3,123	3,123
MATAGORDA CHANNEL, POINT COMFORT TURNING BASIN, TX	---	100
MATAGORDA SHIP CHANNEL, TX	3,780	3,780
MOUTH OF THE COLORADO RIVER, TX	2,950	2,950
NAVARRO MILLS LAKE, TX	1,456	1,456
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	1,934	1,934
O C FISHER DAM AND LAKE, TX	1,488	1,488
PAT MAYSE LAKE, TX	1,974	1,974
PROCTOR LAKE, TX	1,490	1,490

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PROJECT CONDITION SURVEYS, TX	50	50
RAY ROBERTS LAKE, TX	1,093	1,093
SABINE - NECHES WATERWAY, TX	9,500	9,500
SAM RAYBURN DAM AND RESERVOIR, TX	4,572	4,572
SCHEDULING RESERVOIR OPERATIONS, TX	235	235
SOMERVILLE LAKE, TX	2,508	2,508
STILLHOUSE HOLLOW DAM, TX	2,006	2,006
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX	2,062	2,062
TRINITY RIVER AND TRIBUTARIES, TX	---	1,900
WACO LAKE, TX	2,907	3,532
WALLISVILLE LAKE, TX	1,090	1,090
WHITNEY LAKE, TX	5,088	5,088
WRIGHT PATMAN DAM AND LAKE, TX	2,587	2,587
UTAH		
INSPECTION OF COMPLETED WORKS, UT	63	63
SCHEDULING RESERVOIR OPERATIONS, UT	414	414
VERMONT		
BALL MOUNTAIN LAKE, VT	703	703
BURLINGTON HARBOR BREAKWATER, VT	160	1,300
NARROWS OF LAKE CHAMPLAIN, VT & NY	536	536
NORTH HARTLAND LAKE, VT	511	511
NORTH SPRINGFIELD LAKE, VT	631	631
TOWNSHEND LAKE, VT	724	724
UNION VILLAGE DAM, VT	520	520
VIRGINIA		
APPOMATTOX RIVER, VA	391	391
ATLANTIC INTRACOASTAL WATERWAY, VA	2,364	2,364
CHANNEL TO NEWPORT NEWS, VA	45	45
CHINCOTEAGUE INLET, VA	842	842
GATHRIGHT DAM AND LAKE MOOMAW, VA	1,566	1,566
HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	920	920
INSPECTION OF COMPLETED WORKS, VA	59	59
JAMES RIVER CHANNEL, VA	3,983	5,100
JOHN H KERR LAKE, VA & NC	11,190	11,190
JOHN W FLANNAGAN DAM AND RESERVOIR, VA	1,347	1,487
NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), V	282	282
NORFOLK HARBOR, VA	5,815	6,500
NORTH FORK OF POUND RIVER LAKE, VA	340	340
PAGAN RIVER, VA	145	145
PHILPOTT LAKE, VA	2,252	2,252
POTOMAC RIVER AT ALEXANDRIA, VA	660	660
POTOMAC RIVER AT MOUNT VERNON, VA	---	400
PROJECT CONDITION SURVEYS, VA	630	630
RUDEE INLET, VA	1,002	1,002

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
TANGIER CHANNEL, VA	648	648
THIMBLE SHOAL CHANNEL, VA	3,347	3,347
WATERWAY ON THE COAST OF VIRGINIA, VA	1,185	1,185
WASHINGTON		
BELLINGHAM HARBOR, WA	512	512
CHIEF JOSEPH DAM, WA	811	811
COLUMBIA RIVER AT BAKER BAY, WA & OR	450	450
COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA	6	6
EVERETT HARBOR AND SNOHOMISH RIVER, WA	1,225	1,225
FRIDAY HARBOR, WA	300	300
GRAYS HARBOR AND CHEHALIS RIVER, WA	13,150	16,150
HOWARD HANSON DAM, WA	1,710	1,710
ICE HARBOR LOCK AND DAM, WA	2,791	2,791
INSPECTION OF COMPLETED WORKS, WA	177	177
LAKE WASHINGTON SHIP CANAL, WA	8,530	8,530
LITTLE GOOSE LOCK AND DAM, WA	1,138	1,138
LOWER GRANITE LOCK AND DAM, WA	5,920	5,920
LOWER MONUMENTAL LOCK AND DAM, WA	1,801	1,801
MILL CREEK LAKE, WA	870	870
MT ST HELENS SEDIMENT CONTROL, WA	409	409
MUD MOUNTAIN DAM, WA	3,157	3,157
OLYMPIA HARBOR, WA	927	927
PROJECT CONDITION SURVEYS, WA	308	308
PUGET SOUND AND TRIBUTARY WATERS, WA	1,041	1,041
QUILLAYUTE RIVER, WA	1,061	1,061
SCHEDULING RESERVOIR OPERATIONS, WA	453	453
SEATTLE HARBOR, EAST WATERWAY CHANNEL DEEPENING, WA	3,400	3,400
SEATTLE HARBOR, WA	727	727
STILLAGUAMISH RIVER, WA	195	195
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	59	59
TACOMA, PUYALLUP RIVER, WA	72	72
THE DALLES LOCK AND DAM, WA & OR	2,402	2,402
WILLAPA RIVER AND HARBOR, WA	727	727
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,076	1,076
BLUESTONE LAKE, WV	1,218	2,000
BURNSVILLE LAKE, WV	1,390	1,390
EAST LYNN LAKE, WV	1,585	1,585
ELKINS, WV	16	16
INSPECTION OF COMPLETED WORKS, WV	84	84
KANAWHA RIVER LOCKS AND DAMS, WV	7,314	7,314
R D BAILEY LAKE, WV	1,643	1,643
STONEWALL JACKSON LAKE, WV	937	937
SUMMERSVILLE LAKE, WV	1,505	1,505
SUTTON LAKE, WV	1,648	1,648
TYGART LAKE, WV	1,923	1,923

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PROJECT TITLE	BUDGET REQUEST	CONFERENCE
WISCONSIN		
ALGOMA HARBOR, WI	107	107
ASHLAND HARBOR, WI	195	195
BIG SUAMICO HARBOR, WI	368	368
EAU GALLE RIVER LAKE, WI	685	685
FOX RIVER, WI	3,487	3,487
GREEN BAY HARBOR, WI	996	996
KENOSHA HARBOR, WI	494	494
KEWAUNEE HARBOR, WI	69	69
LA FARGE LAKE, WI	52	52
MANITOWOC HARBOR, WI	226	226
MILWAUKEE HARBOR, WI	832	832
OCONTO HARBOR, WI	168	168
PROJECT CONDITION SURVEYS, WI	93	93
SHEBOYGAN HARBOR, WI	230	230
STURGEON BAY HARBOR & LAKE MICHIGAN SHIP CANAL, WI	507	507
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	707	707
TWO RIVERS HARBOR, WI	117	117
WYOMING		
JACKSON HOLE LEVEES, WY	1,126	1,126
SCHEDULING RESERVOIR OPERATIONS, WY	288	288
MISCELLANEOUS		
COASTAL INLET RESEARCH PROGRAM	3,000	2,500
CULTURAL RESOURCES (NAGPRA/CURATION)	2,000	1,500
DREDGE WHEELER READY RESERVE	12,450	9,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,085	500
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	8,000	6,500
DREDGING OPERATIONS TECHNICAL SUPPORT (DOTS) PROGRAM	2,500	1,500
EARTHQUAKE HAZARDS PROGRAM FOR BUILDINGS AND LIFELINES	500	500
HARBOR MAINTENANCE FEE DATA COLLECTION	575	575
MANAGEMENT TOOLS FOR O&M	975	500
MONITORING OF COASTAL NAVIGATION PROJECTS	2,000	1,000
NATIONAL DAM SAFETY PROGRAM	40	40
NATIONAL DAM SECURITY PROGRAM	20	20
NATIONAL EMERGENCY PREPAREDNESS PROGRAMS (NEPP)	6,000	5,000
NATIONAL RECREATION MANAGEMENT SUPPORT (NRMS) PROGRAM	1,850	1,000
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM	1,365	415
PROTECT, CLEAR AND STRAIGHTEN CHANNELS (SECTION 3)	50	50
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION	675	500
REMOVAL OF SUNKEN VESSELS	500	500
WATER OPERATIONS TECHNICAL SUPPORT (WOTS) PROGRAM	950	700
WATERBORNE COMMERCE STATISTICS	4,542	4,000
WETLANDS FUNCTIONAL ASSESSMENT METHODOLOGY	1,000	---
ZEBRA MUSSEL CONTROL	1,500	1,000

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE 13:52 9/25/99 PAGE 21

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE.....	-19,284	-54,435
TOTAL, OPERATION AND MAINTENANCE.....	1,835,900	1,853,618

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement appropriates $39,370,000 to carry out the provisions of the Central Utah Project Completion Act as proposed by the Senate instead of $37,190,000 as proposed by the House.

The conference agreement provides that the amount to be deposited into the Utah Reclamation Mitigation and Conservation Account shall be $15,476,000 as proposed by the House instead of $17,047,000 as proposed by the Senate.

The conference agreement provides that the amount available to the Utah Reclamation Mitigation and Conservation Commission shall be $10,476,000 as proposed by the House instead of $12,047,000 as proposed by the Senate.

The conference agreement provides that the amount available for administrative expenses shall be $1,321,000 as proposed by the Senate instead of $1,283,000 as proposed by the House.

BUREAU OF RECLAMATION

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

WATER AND RELATED RESOURCES

The conference agreement appropriates $607,927,000 for Water and Related Resources instead of $604,910,000 as proposed by the House and $612,451,000 as proposed by the Senate.

Of the amount provided for the American River Division of the Central Valley Project, $3,000,000 is for construction of a permanent pumping facility for the Placer County Water Agency, and $2,900,000 is to initiate construction of a temperature control device at Folsom Dam.

The conference agreement includes final year funding for the Equus Beds Groundwater Recharge Demonstration Project in Kansas.

The conferees direct the Bureau of Reclamation to use available funds to provide additional recreation facilities at Silo Campground on the southern end of the Canyon Ferry Reservoir in Broadwater County in Montana. The expenditure of these resources will be considered as an in-kind contribution to Broadwater County if consistent with Public Law 105–277.

The conference agreement includes $1,500,000 for the Newlands Water Rights Fund authorized by the Truckee-Carson-Pyramid Lake Water Rights Settlement Act to be utilized to pay for purchasing and retiring water rights in the Newlands Reclamation Project.

The conferees prohibit the use of funds for any water acquisition undertaken by the Bureau of Reclamation for the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said acquisition is in compliance with the acquisition provisions contained in section 202 of this title for Drought Emergency Assistance.

The conferees are aware of the WateReuse Research Foundation's ongoing efforts to conduct research on the science and technology aspects of water reclamation and encourage the Bureau of Reclamation to provide assistance to support the WateReuse Foundation's research program.

The conference agreement provides that the amount available for transfer to the Lower Colorado River Basin Development Fund shall be $24,089,000 as proposed by the House instead of $24,326,000 as proposed by the Senate.

The conference agreement includes language proposed by the Senate extending the authority of the Reclamation States Emergency Drought Relief Act of 1991.

The conference agreement includes language proposed by the Senate increasing the authorized level of appropriations for Indian municipal, rural and industrial features of the Garrison Unit Diversion project.

The conference agreement deletes language proposed by the Senate earmarking funds for the Lake Andes-Wagner/Marty II demonstration program. The amount appropriated for Water and Related Resources includes $150,000 for this program.

The conference agreement deletes language proposed by the Senate earmarking funds for the Walker River Basin, Nevada, project. The amount appropriated for Water and Related Resources includes $300,000 for this project.

The conference agreement deletes language proposed by the Senate earmarking funds for environmental restoration at Fort Kearny, Nebraska.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

The conference agreement appropriates $12,425,000 for the Bureau of Reclamation Loan Program Account as proposed by the House and Senate.

CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement appropriates $42,000,000 for the Central Valley Project Restoration Fund instead of $47,346,000 as proposed by the House and $37,346,000 as proposed by the Senate.

CALIFORNIA BAY-DELTA RESTORATION

The conference agreement appropriates $60,000,000 for the California Bay-Delta Restoration program instead of $75,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

The conference agreement provides that the amount to be used for ecosystem restoration activities shall be $30,000,000 as proposed by the Senate instead of $45,000,000 as proposed by the House and that the amount to be used for other activities shall be $30,000,000 as proposed by the House instead of $20,000,000 as proposed by the Senate.

The conference agreement provides that the amount to be used for planning and management shall not exceed $5,000,000 instead of $7,000,000 as proposed by the House and $2,500,000 as proposed by the Senate.

POLICY AND ADMINISTRATION

The conference agreement appropriates $47,000,000 for Policy and Administration instead of $45,000,000 as proposed by the House and $49,000,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

SEC. 201. The conference agreement includes a provision making appropriations available for purchase of not more than six passenger motor vehicles as proposed by the House instead of not more than seven as proposed by the Senate.

SEC. 202. The conference agreement includes a provision proposed by the Senate imposing limitations on the use of appropriated funds for the leasing of water for specified drought related purposes, amended to limit the use of funds primarily for water leasing instead of exclusively for water leasing.

Provision not included in the conference agreement.—The conference agreement deletes language proposed by the Senate permitting certain investments of advance payments to Indian tribes, tribal organizations, and tribal consortia.

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
WATER AND RELATED RESOURCES				
ARIZONA				
AK CHIN WATER RIGHTS SETTLEMENT ACT PROJECT	---	6,996	---	6,996
CENTRAL ARIZONA PROJECT (LCRBDF)	27,326	---	24,089	---
COLORADO RIVER BASIN SALINITY CONTROL, TITLE I	1,036	12,056	1,036	9,056
LOWER COLORADO RIVER INVESTIGATIONS PROGRAM	50	---	---	---
NORTHERN ARIZONA INVESTIGATIONS PROGRAM	580	---	200	---
SALT RIVER PROJECT, HORSE MESA DAM	---	1,590	---	1,590
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM	850	---	800	---
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJECT	5,873	---	5,598	---
TRES RIOS WETLANDS DEMONSTRATION	400	---	400	---
TUCSON AREA WATER RECLAMATION AND REUSE STUDY	150	---	150	---
YUMA AREA PROJECTS	109	15,423	109	15,423
HEADGATE ROCK HYDROELECTRIC PROJECT	---	---	5,000	---
CALIFORNIA				
CACHUMA PROJECT	639	723	639	723
CALIFORNIA INVESTIGATIONS PROGRAM	500	---	200	---
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PROJECT	1,500	---	1,500	---
CENTRAL VALLEY PROJECT:				
AMERICAN RIVER DIVISION	8,800	10,103	8,800	8,103
DELTA DIVISION	14,362	4,651	12,949	4,651
EAST SIDE DIVISION	575	3,781	575	3,781
FRIANT DIVISION	3,614	2,498	3,614	2,498
MISCELLANEOUS PROJECT PROGRAMS	11,099	1,734	11,099	1,734
REPLACEMENTS, ADDITIONS, EXTRAORDINARY MAINTENANCE	---	8,500	---	4,000
SACRAMENTO RIVER DIVISION	7,032	1,649	8,000	1,649
SAN FELIPE DIVISION	1,163	---	585	---
SAN JOAQUIN DIVISION	1,443	---	1,443	---
SHASTA DIVISION	3,480	7,139	3,426	7,139
TRINITY RIVER DIVISION	8,006	4,807	5,506	4,807
WATER AND POWER OPERATIONS	635	5,750	635	5,750
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	5,912	6,302	5,744	6,302
YIELD FEASIBILITY INVESTIGATION	2,000	---	2,000	---
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM	3,564	---	3,564	---
LONG BEACH AREA WATER RECLAMATION PROJECT	1,500	---	1,500	---
LOS ANGELES AREA WATER RECLAMATION/REUSE PROJECT	7,500	---	7,500	---
MISSION BASIN BRACKISH GROUNDWATER DESALTING DEMO PROJ	---	---	1,500	---
NORTH SAN DIEGO CNTY AREA WATER RECYCLING PROJECT	1,500	---	1,500	---
ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT	1,500	---	1,500	---
ORLAND PROJECT	---	570	---	570
SALTON SEA RESEARCH PROJECT	1,000	---	800	---
SAN DIEGO AREA WATER RECLAMATION PROGRAM	10,600	---	10,600	---
SAN GABRIEL BASIN PROJECT	2,000	---	2,000	---
SAN JOSE AREA WATER RECLAMATION AND REUSE PROGRAM	3,000	---	3,000	---
SOLANO PROJECT	995	1,005	995	1,005
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	625	---	350	---

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
COLORADO				
ANIMAS-LAPLATA PROJECT, SECTIONS 5 AND 8	3,000	---	2,000	---
COLLBRAN PROJECT	813	798	813	798
COLORADO-BIG THOMPSON PROJECT	304	7,506	304	7,506
COLORADO INVESTIGATIONS PROGRAM	435	---	200	---
FRUITGROWERS DAM PROJECT	94	16	94	16
FRYINGPAN-ARKANSAS PROJECT	339	4,927	339	4,927
FRYINGPAN-ARKANSAS PROJECT, PUEBLO DAM	---	6,700	---	6,700
GRAND VALLEY UNIT, CRBSCP	403	506	403	506
LEADVILLE/ARKANSAS RIVER RECOVERY PROJECT	763	1,010	763	1,010
LOWER GUNNISON BASIN UNIT, CRBSCP	---	319	---	319
MANCOS PROJECT	44	22	44	22
PARADOX VALLEY UNIT, CRBSCP	---	2,058	---	2,058
PINE RIVER PROJECT	362	58	362	58
SAN LUIS VALLEY PROJECT, CLOSED BASIN/CONEJOS DIV	316	3,591	316	3,591
UNCOMPAHGRE PROJECT	293	23	293	23
UPPER COLORADO RIVER BASIN SELENIUM STUDY	100	---	100	---
IDAHO				
BOISE AREA PROJECTS	2,385	2,726	2,385	2,726
COLUMBIA-SNAKE RIVER SALMON RECOVERY PROJECT	13,122	---	9,500	---
DRAIN WATER MANAGEMENT STUDY, BOISE PROJECT	200	---	200	---
FORT HALL INDIAN RESERVATION	---	---	250	---
IDAHO INVESTIGATIONS PROGRAM	363	---	325	---
LEWISTON ORCHARDS, RESERVOIR 'A' DAM	---	150	---	150
MINIDOKA AREA PROJECTS	4,030	1,809	4,030	1,809
MINIDOKA NORTHSIDE DRAINWATER MANAGEMENT PROJECT	315	---	250	---
KANSAS				
EQUUS BEDS GROUNDWATER RECHARGE DEMONSTRATION PROJECT	---	---	423	---
KANSAS INVESTIGATIONS PROGRAM	400	---	400	---
WICHITA PROJECT	---	219	---	219
MONTANA				
FORT PECK RURAL WATER SYSTEM, MT	---	---	3,000	---
HUNGRY HORSE PROJECT	69	177	69	177
MILK RIVER PROJECT	145	353	117	353
MONTANA INVESTIGATIONS PROGRAM	446	---	250	---
ROCKY BOYS INDIAN WTR RIGHTS SETTLEMENT STUDY	1,000	---	500	---
NEBRASKA				
MIRAGE FLATS PROJECT	30	28	30	28
NEBRASKA INVESTIGATIONS PROGRAM	150	---	150	---

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
NEVADA				
LAHONTAN BASIN PROJECT	6,352	1,098	6,652	1,098
LAKE MEAD AND LAS VEGAS WASH	---	---	1,400	---
NEWLANDS WATER RIGHTS FUND	---	---	1,500	---
WALKER RIVER BASIN PROJECT	---	---	300	---
NEW MEXICO				
CARLSBAD PROJECT	1,012	576	1,012	576
MIDDLE RIO GRANDE PROJECT	2,010	9,766	4,010	9,766
NAVAJO-GALLUP WATER SUPPLY PROJECT	---	---	300	---
PECOS RIVER BASIN WATER SALVAGE PROJECT	---	268	---	268
RIO GRANDE PROJECT	769	2,564	769	2,564
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	124	---	124	---
SO. NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM	254	---	254	---
UPPER RIO GRANDE BASIN INVESTIGATIONS PROGRAM	213	---	213	---
UTE RESERVOIR PIPELINE PROJECT	---	---	250	---
VELARDE COMMUNITY DITCH PROJECT	2,313	---	2,313	---
NORTH DAKOTA				
DAKOTA INVESTIGATIONS PROGRAM	200	---	100	---
DAKOTA TRIBES INVESTIGATIONS PROGRAM	150	---	150	---
GARRISON DIVERSION UNIT, P-SMBP	26,849	180	27,849	180
OKLAHOMA				
ARBUCKLE PROJECT	---	161	---	161
MCGEE CREEK PROJECT	---	530	---	530
MOUNTAIN PARK PROJECT	---	225	---	225
NORMAN PROJECT	---	156	---	156
OKLAHOMA INVESTIGATIONS PROGRAM	275	---	150	---
W.C. AUSTIN PROJECT	---	255	---	255
WASHITA BASIN PROJECT	---	640	---	640
OREGON				
CROOKED RIVER PROJECT	105	297	105	297
DESCHUTES ECOSYSTEM RESTORATION PROJECT	1,000	---	500	---
DESCHUTES PROJECT	165	122	165	122
GRANDE RONDE WATER OPTIMIZATION STUDY	50	---	50	---
KLAMATH PROJECT	12,390	292	10,390	292
MALHEUR/OWYHEE/POWDER/BURNT RIVER BASINS	50	---	---	---
OREGON INVESTIGATIONS PROGRAM	810	---	610	---
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	165	626	165	626
TUALATIN PROJECT	91	97	91	97
TUMALO IRRIGATION DIST., BEND FEED CANAL, OR	---	---	200	---
UMATILLA BASIN PROJECT (PHASE III)	250	---	250	---
UMATILLA PROJECT	336	1,270	336	1,270

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
SOUTH DAKOTA				
LAKE ANDES - WAGNER/MARTY II	---	---	150	---
MID-DAKOTA RURAL WATER PROJECT	5,000	10	14,000	10
MNI WICONI PROJECT	23,873	5,527	23,873	5,527
RAPID CITY WASTEWATER REUSE STUDY	50	---	---	---
RAPID VALLEY PROJECT	---	23	---	23
TEXAS				
CANADIAN RIVER PROJECT	---	124	---	124
EL PASO WATER RECLAMATION AND REUSE	---	---	1,000	---
NUECES RIVER PROJECT	---	387	---	387
PALMETTO BEND PROJECT	---	541	---	541
SAN ANGELO PROJECT	---	255	---	255
TEXAS INVESTIGATIONS PROGRAM	390	---	200	---
UTAH				
HYRUM PROJECT	49	12	49	12
MOON LAKE PROJECT	14	11	14	11
NAVAJO SANDSTONE AQUIFER RECHARGE STUDY	150	---	150	---
NEWTON PROJECT	35	12	35	12
NORTHERN UTAH INVESTIGATIONS PROGRAM	400	---	350	---
OGDEN RIVER PROJECT	67	18	67	18
PROVO RIVER PROJECT	335	293	335	293
SCOFIELD PROJECT	49	3	49	3
SOUTHERN UTAH INVESTIGATIONS PROGRAM	400	---	200	---
STRAWBERRY VALLEY PROJECT	84	3	84	3
TOOELE WASTEWATER REUSE PROJECT	---	---	571	---
WEBER BASIN PROJECT	1,845	140	1,845	140
WEBER RIVER PROJECT	281	7	281	7
WASHINGTON				
COLUMBIA BASIN PROJECT	5,030	8,984	5,030	8,984
LOWER ELWHA KLALLAM RURAL WATER SUPPLY FEAS. STUDY	100	---	---	---
TULALIP TRIBES WATER QUALITY FEASIBILITY STUDY	50	---	---	---
WASHINGTON INVESTIGATIONS PROGRAM	410	---	200	---
YAKIMA PROJECT	491	7,535	491	7,535
YAKIMA RIVER BASIN WTR ENHANCEMENT PROJECT	11,734	---	10,480	---
WYOMING				
KENDRICK PROJECT	4	4,642	4	4,642
NORTH PLATTE PROJECT	18	1,164	18	1,164
SHOSHONE PROJECT	38	859	38	859
WYOMING INVESTIGATIONS PROGRAM	20	---	15	---

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL, TITLE II.....	12,300	---	12,300	---
COLORADO RIVER STORAGE PROJECT, SECTION 5.....	4,222	1,014	3,356	902
COLORADO RIVER STORAGE, SECTION 8, RF&W.....	10,650	---	7,650	---
COLORADO RIVER WATER QUALITY IMPROVEMENT.....	75	---	75	---
DEPARTMENT IRRIGATION DRAINAGE PROGRAM.....	3,600	---	2,000	---
DROUGHT EMERGENCY ASSISTANCE.....	500	---	3,000	---
EFFICIENCY INCENTIVES PROGRAM.....	5,250	---	3,000	---
EMERGENCY PLANNING AND DISASTER RESPONSE PROGRAM.....	---	306	---	306
ENDANGERED SPECIES RECOVERY IMPLEMENT. PROGRAM.....	15,118	---	15,118	---
ENVIRONMENTAL AND INTERAGENCY COORDINATION.....	1,677	---	677	---
ENVIRONMENTAL PROGRAM ADMINISTRATION.....	2,083	---	1,500	---
EXAMINATION OF EXISTING STRUCTURES.....	---	3,892	---	3,892
FEDERAL BUILDING SEISMIC SAFETY PROGRAM.....	---	1,375	---	875
GENERAL PLANNING ACTIVITIES.....	2,135	---	1,700	---
LAND RESOURCES MANAGEMENT PROGRAM.....	6,232	---	5,232	---
LOWER COLORADO RIVER OPERATIONS PROGRAM.....	13,540	---	8,540	---
MISCELLANEOUS FLOOD CONTROL OPERATIONS.....	---	910	---	910
NATIONAL FISH AND WILDLIFE FOUNDATION.....	1,300	---	1,300	---
NATIVE AMERICAN AFFAIRS PROGRAM.....	9,250	---	7,680	---
NEGOTIATION AND ADMINISTRATION OF WATER MARKETING.....	1,048	---	884	---
OPERATION AND MAINTENANCE PROGRAM MANAGEMENT.....	98	538	98	538
PICK-SLOAN MISSOURI BASIN PROGRAM - OTHER PROJECT.....	3,174	24,593	3,174	24,593
POWER PROGRAM SERVICES.....	1,031	642	1,023	550
PUBLIC ACCESS AND SAFETY PROGRAM.....	436	---	436	---
RECLAMATION LAW ADMINISTRATION.....	5,235	---	4,696	---
RECLAMATION RECREATION MANAGEMENT - TITLE XXVIII.....	4,222	---	4,222	---
RECREATION, FISH AND WILDLIFE PROGRAM ADMINISTRATION..	2,053	---	1,891	---
SAFETY OF DAMS:				
DEPARTMENT DAM SAFETY PROGRAM.....	---	1,600	---	1,600
SAFETY OF DAMS EVALUATION AND MODIFICATION.....	---	60,869	---	54,983
SCIENCE AND TECHNOLOGY:				
APPLIED SCIENCE AND TECHNOLOGY DEVELOPMENT.....	4,503	---	3,242	---
DESALINATION RESEARCH DEVELOPMENT PROGRAM.....	1,300	---	1,300	---
GROUNDWATER RECHARGE DEMONSTRATION PROGRAM.....	50	---	50	---
HYDROELECTRIC INFRASTRUCTURE PROTECTION/ENHANCE...	215	---	215	---
TECHNOLOGY ADVANCEMENT.....	300	---	300	---
WATERSHED/RIVER SYSTEMS MANAGEMENT PROGRAM.....	1,000	---	1,000	---
SITE SECURITY.....	---	754	---	754
SOIL AND MOISTURE CONSERVATION.....	257	---	257	---
TECHNICAL ASSISTANCE TO STATES.....	1,911	---	600	---
TITLE XVI WATER RECLAMATION AND REUSE STUDY.....	2,214	---	2,214	---
UNITED STATES/MEXICO BORDER ISSUES - TECH SUPPORT.....	100	---	100	---
WATER MANAGEMENT AND CONSERVATION PROGRAM.....	8,836	---	6,600	---
WETLANDS DEVELOPMENT.....	5,595	---	3,595	---

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS...	---	-30,800	---	-46,000
TOTAL, WATER AND RELATED RESOURCES.....	409,199	243,639	395,578	212,349

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PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
LOAN PROGRAM				
CALIFORNIA				
CASTROVILLE IRRIGATION WATER SUPPLY PROJECT.....	2,600	---	2,600	---
CHINO BASIN DESALINATION PROJECT.....	117	---	117	---
SALINAS VALLEY WATER RECLAMATION.....	1,700	---	1,700	---
SAN SEVAINE CREEK WATER PROJECT.....	6,408	---	6,408	---
TEMESCAL VALLEY PROJECT.....	1,175	---	1,175	---
VARIOUS				
LOAN ADMINISTRATION.....	425	---	425	---
TOTAL, LOAN PROGRAM.....	12,425	---	12,425	---

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

HOUSE AND SENATE VIEWS

The reports accompanying the House and Senate passed bills include strongly held views of each body regarding the Department of Energy. The conferees have resolved all differences between the two bodies related to funding and where specific direction or requirements are provided. However, the conferees have not attempted to reconcile those portions of the reports that express the opinion of either body.

For example, the House and Senate reports express differing views on the external regulation of the Department's facilities. The conferees have not addressed this difference of opinion. However, where funding is involved, as it is with regard to providing funding within the Office of Environment, Safety and Health for external regulation, the conferees have agreed not to eliminate such funds as proposed by the Senate.

In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly.

DEPARTMENT OF ENERGY ORGANIZATIONAL STRUCTURE

The conferees expect the Department to reduce field office staffing by five percent from the current fiscal year 1999 aggregate levels. These reductions are not to be prorated, but should be based on an analysis of staffing needs at each individual office.

EXTERNAL INDEPENDENT ASSESSMENTS OF CONSTRUCTION PROJECTS

The conferees agree that none of the funds provided for fiscal year 2000 construction projects may be obligated until an external, independent assessment of the baseline cost and schedule has been performed and provided to the House and Senate Committees on Appropriations for review. The Department is also directed to improve the corrective action plans prepared in response to these external reviews. The quality of the corrective action plans received by the Committees on Appropriations has been marginal at best.

CONTRACTOR TRAVEL

The conference agreement includes a statutory provision limiting reimbursement of Department of Energy management and operating contractors for travel expenses to not more than $150,000,000 and requiring contractor travel to be consistent with the rules and regulations for Federal employees. This reduction is not to be prorated, but should be applied to those organizations which appear to have the most egregious travel practices. This is not meant to restrict trips between laboratories to coordinate on program issues. The conferees are particularly concerned with the number of trips by laboratory employees to Washington, D.C., and the expense and excessive number of laboratory employees who travel to Russia.

The Department is also directed to ensure that reimbursements for contractor travel shall not exceed those costs which would be allowed for travel by employees of the Federal government. The conferees are aware that there is a cost difference because contractors cannot receive government rates for certain travel expenses. However, the regulations should ensure that contractors are not allowed to charge the government for business class or first class travel expenses, hotels which exceed the government per diem allowance, and other expenses and benefits such as the personal use of frequent flier miles which are not allowed if the traveler is a Federal employee. Guidelines that provide for deviations from Federal travel regulations may be approved by the Secretary.

AUGMENTING FEDERAL STAFF

The conferees agree that a reduction is required in the number of Department of Energy management and operating contractors who are assigned to the Washington metropolitan area. Funding for management and operating contractors has been reduced by $15,000,000. The conference agreement endorses the Department's proposed management plan to address this problem and to limit the current assignments to not more than 270 positions in fiscal year 2000. Those positions must perform functions that are highly technical and directly related to laboratory missions. Additionally, the Washington contractor offices (currently 13 for 9 laboratories) should be consolidated into one or two workplaces unless the Department finds that all of the offices can be eliminated by locating them in Department of Energy office space.

The conference agreement adopts the report requirement proposed by the House. This report, which is due on January 31, 2000, is to be augmented to include the status of the Department's proposed management reforms.

REPROGRAMMINGS

The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 2000 unless specifically identified by the House, Senate, or conference agreement. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance, in writing, and may not be implemented prior to approval by the Committees.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

The conference agreement modifies the current laboratory directed research and development (LDRD) program by reducing the allowable cost from six percent to four percent of the funds provided to the laboratories. None of the funds provided to laboratories for environmental cleanup activities may be taxed for LDRD purposes.

COMPUTER SECURITY

The conference agreement does not withhold funding for information management systems as proposed by the House.

ADDITIONAL DEPARTMENT OF ENERGY REQUIREMENTS

The conferees agree with the House report language on improving project management in the Department of Energy and overhead costs reviews, and the Senate report language on personnel security.

GENERAL REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by January 31, 2000, on the actual application of any general reductions of funding or use of prior year balances contained in the conference agreement. In general, such reductions should not be applied disproportionately against any program, project, or activity. However, the conferees are aware there may be instances where proportional reductions would adversely impact critical programs and other allocations may be necessary.

ENERGY SUPPLY

The conference agreement appropriates $644,937,953 instead of $615,317,304 as proposed by the House or $721,233,000 as proposed by the Senate. The conference agreement does not include the Senate bill language providing $15,000,000 for civilian research and development.

SOLAR AND RENEWABLE RESOURCES TECHNOLOGIES

The conference agreement provides $362,240,000 instead of $356,450,000 as proposed by the House or $353,900,000 as proposed by the Senate.

Solar building technology research.—The conference agreement includes $2,000,000, the amount provided by the Senate, instead of $2,810,000 as proposed by the House. The conference agreement includes $1,700,000 for technology development and $300,000 for quality assurance.

Photovoltaic systems research and development.—The conference agreement includes $69,847,000, instead of $72,977,000 as proposed by the House or $66,847,000 as proposed by the Senate. Within the $67,000,000 provided to the Office of Energy Efficiency and Renewable Energy, the conferees have provided $27,000,000 for advanced materials and devices, $15,309,000 for fundamental research, and $24,691,000 for collector research and systems development program of which up to $1,500,000 may be used for ''million solar roofs'' activities. From the amount provided, the conferees have provided $1,000,000 for the Materials Science Center in Tempe, Arizona.

Concentrating solar power systems.—The conference agreement includes $15,410,000, the same amount as the House, instead of $15,000,000 as proposed by the Senate. The conferees have provided $5,000,000 for distributed power system development, $5,000,000 for dispatchable power system development, and $2,900,000 for advanced component and system research. No funds have been provided here for strategic alliances and market awareness activities. The conferees have included $2,500,000 for research and development for the U.S.-manufactured 22kw dish sterling program.

Biomass/biofuels research and development.—The conference agreement includes $98,740,000, instead of $98,960,000 as proposed by the House or $99,690,000 as proposed by the Senate. The conferees have provided $26,740,000 for research to be managed by the Office of Science, the same as the amount in the budget request. The conference agreement includes $32,500,000 for power systems and $39,500,000 for the transportation program. The conferees have provided up to $1,000,000 for the regional biomass program to be derived from the power program. The conferees have not included the House provision prohibiting further funding of the Vermont gasification project. The conference agreement includes up to $5,000,000 for the final Federal contribution to this facility. The conferees have provided $1,000,000 for the Consortium for Plant Biotechnology Research, to be derived from the power program. The conferees have included the House provision providing up to $6,000,000 for the multi-agency biomass program. The Department is directed to include a competitive solicitation for projects that meet criteria for funding under the Department's unique role in this multi-agency effort.

The conference agreement does not include funds for the Vermont agriculture methane project or the Southern Illinois University project as provided in the Senate report. The conferees have included up to $500,000 for the P-series fuel project at the University of Louisville. The conferees have not included any other new projects in the transportation program. The conferees note that the Department has funded several biomass energy

projects during recent years whose timelines have been delayed for various reasons. The conferees believe it is time for the Department to complete these projects and related activities before initiating new projects. Accordingly, funds are included for the completion and/or termination costs of previously funded biomass projects. The conferees have provided $3,000,000 for the Michigan Biotechnology Institute (MBI), to be derived equally from the power and transportation programs. The conferees direct that the Department and MBI submit a spending plan to the Committees on Appropriations for approval no later than November 30, 1999.

Wind energy research and development.—The conference agreement includes $33,283,000, instead of $31,243,000 as proposed by the House or $34,283,000 as proposed by the Senate. The conferees have provided $283,000 for research to be managed by the Office of Science, the same as the budget request. Within the $33,000,000 provided to the Office of Energy Efficiency and Renewable Energy, $13,500,000 is for applied research, the same amount as the budget request. The conference agreement does not include prescriptive language specifying allocations as included in the Senate Report.

Renewable energy production incentive.—The conference agreement includes $1,500,000, the amount of the budget request and the amount provided by the Senate, instead of $2,610,000 as proposed by the House.

Solar program support.—The conference agreement includes $5,000,000, a $3,000,000 increase over the amount provided by the House and Senate. The conferees have included the House proposal to provide $1,000,000 for electricity restructuring activities and $1,000,000 for feasibility studies in preparation for a competitive solicitation. The conferees have provided an additional $3,000,000 for the Department to conduct distributed power system integration research and development. This effort is to be part of the competitive solicitation program and shall include modeling, field testing and analyses to determine the best means of integrating distributed power resources, including renewable energy, combined heat and power, and hybrid systems into the electricity system in a manner that enhances reliability, safety and power quality.

International solar energy.—The conference agreement includes $4,000,000 instead of $4,950,000 as provided by the House or $3,000,000 as provided by the Senate. Of this amount, $3,000,000 is to be provided expeditiously to International Utility Efficiency Partnerships, Inc. (IUEP). IUEP shall competitively award all projects, continuing its leadership role in reducing carbon dioxide emissions using voluntary market-based mechanisms.

National Renewable Energy Laboratory (NREL).—The conference agreement includes $1,100,000, the amount of the budget request, as proposed by the Senate instead of $2,800,000 as proposed by the House.

Geothermal technology development.—The conference agreement includes $24,000,000, the amount provided by the Senate, instead of $24,310,000 as proposed by the House. The conference agreement includes $6,000,000 for exploration research and development and $5,500,000 for drilling technology research and development.

Hydrogen research and development.—The conference agreement includes $27,970,000, instead of $24,730,000 as proposed by the House and $29,970,000 as proposed by the Senate. The conferees have provided $2,970,000 for research to be managed by the Office of Science, the same as the amount in the budget request. The conference agreement does not include the specific funding items listed in the Senate report except for $250,000 for the carbon dioxide/hydrogen production gas reforming facility in Nevada and $350,000 for the Montana Trade Port Authority in Billings, Montana.

Hydropower.—The conference agreement includes $5,000,000 as proposed by the Senate, instead of $2,760,000 as proposed by the House. The amount provided is exclusively for cost-shared research and development of ''fish-friendly'' turbines.

Renewable Indian energy resources.—The conference agreement includes $4,000,000, the same amount as proposed by the Senate, instead of no funds as proposed by the House. The conferees have provided funds in accordance with the Senate report, except that $1,000,000 is provided for the Nome diesel upgrade instead of the Kotzebue wind project.

Electric energy systems and storage.—The conference agreement includes $38,410,000, instead of $38,910,000 as proposed by the House or $33,500,000 as proposed by the Senate. The conferees have provided $31,910,000 for high-temperature superconducting research and development, $3,500,000 for energy storage systems and $3,000,000 to support a national laboratory/utility industry partnership to conduct research on reliability of the nation's electricity infrastructure including the impact of electricity restructuring on safety and reliability. The conference agreement includes $500,000 for the distributed power demonstration project at the Nevada Test Site instead of $1,000,000 as provided in the Senate report.

Program direction.—The conference agreement includes $17,720,000, the same amount provided by the House, instead of $17,750,000 as proposed by the Senate.

NUCLEAR ENERGY

The conference agreement provides $288,700,000, instead of $265,700,000 as proposed by the House or $297,700,000 as proposed by the Senate.

Advanced radioisotope power systems.—The conference agreement includes $34,500,000, instead of $32,000,000 as provided by the House or $37,000,000 as provided by the Senate.

Test reactor area landlord.—The conference agreement includes $9,000,000, the same amount as proposed by the House and the Senate.

University reactor fuel assistance and support.—The conference agreement includes $12,000,000, the same amount provided by the House and the Senate.

Nuclear energy plant optimization.—The conference agreement includes $5,000,000, the same amount provided by the House and the Senate. The conferees direct that the Department ensure that projects are funded jointly with non-Federal partners and that total non-Federal contributions are equal to or in excess of total Department contributions to projects funded in this program.

Nuclear energy research initiative.—The conferees have provided $22,500,000 for the nuclear energy research initiative, instead of $25,000,000 as recommended by the Senate or $20,000,000 as recommended by the House.

Civilian research and development.—The conference agreement includes $9,000,000, instead of no funding as recommended by the House and $15,000,000 as provided by the Senate. The conferees direct that funding be provided in accordance with the Department's Roadmap for Developing ATW Technology and encourage international participation and cooperation in the program.

Fast Flux Test Facility.—The conference agreement provides $28,000,000 as proposed by the Senate, instead of $30,000,000 as proposed by the House.

Termination costs.—The conference agreement provides $80,000,000 as provided by the Senate, instead of $75,000,000 as provided by the House. The conference agreement provides the full amount of the budget request to complete draining and processing EBR-II primary sodium. The conferees direct the Department to notify the Committees immediately if any issues arise that would delay the Department's plan to complete these activities as stated in the budget justification documents. If additional funds are required, the Department should send a reprogramming request to the Committees as expeditiously as possible.

Uranium programs.—The conference agreement includes $43,500,000, instead of $40,000,000 as proposed by the House and $39,000,000 as proposed by the Senate. The conferees have provided an additional $3,987,000 to address worker and public health and safety concerns at the gaseous diffusion plant sites.

Isotope support.—The conference agreement includes $20,500,000, instead of $18,000,000 as proposed by the House or $23,000,000 as proposed by the Senate. The conferees have included $7,500,000 for the Isotope production facility, the same amount as provided by the Senate.

Program direction.—The conference agreement includes $24,700,000, the same amount provided by the House and the Senate.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement includes $38,998,000, instead of $36,750,000 as recommended by the House or $48,998,000 as recommended by the Senate. The conferees direct that the reduction from the budget request be directed to eliminate lower-priority activities currently funded in this program. The conference agreement does not preclude funding for external regulation-related activities.

ENERGY SUPPORT ACTIVITIES

Technical information management program.—The conference agreement includes $8,600,000, the same amount provided by the House and the Senate.

Transfer of funds to the Occupational Safety And Health Administration.—The conference agreement includes $1,000,000 for safety and health activities related to non-Federal workers at Federal facilities and regulatory responsibilities at non-nuclear facilities. This is the same amount as the House, instead of no funding as recommended by the Senate.

Field operations.—The conference agreement includes the House provision transferring funding of field offices to sponsoring programs in accordance with the Department's management reorganization plan. Funding for the Chicago, Oakland and Oak Ridge offices has been provided in the Science account. Funding for the Idaho office has been moved to the Environmental Management account.

Oak Ridge landlord.—The conference agreement includes the House provision transferring funding to the Science account.

FUNDING ADJUSTMENTS

The conferees have included the transfers totaling $5,820,953 from the Geothermal Resources Development and United States Enrichment Corporation Funds as proposed in the budget request and included in the House and Senate bills. The conference agreement also includes $47,100,000, the same amount as the budget request, for research performed by the Office of Science related to solar and renewable energy technologies.

The conference agreement does not include the Senate provision to use $31,589,000 identified as prior year balances. The House did not include a prior year balance adjustment. The conference agreement includes a reduction of $1,500,000 for contractor travel, a $1,000,000 reduction for management and operating contractors in Washington, D.C., and a $5,000,000 general reduction.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement appropriates $333,618,000 instead of $327,223,000 as proposed by the House and $327,922,000 as proposed by the Senate.

The conference agreement includes $595,000 for the National Low-Level Waste Program in fiscal year 2000. These funds are to be used to maintain Federal data bases for tracking and reporting on low-level waste disposal information.

The conference agreement includes an additional $5,800,000 to complete cleanup at the Grand Junction site in Colorado in fiscal year 2000.

The conferees are aware of additional costs being incurred in the TMI Fuel Storage project related to compliance with Nuclear Regulatory Commission safety requirements. The Department should submit a reprogramming request as expeditiously as possible to remedy this shortfall.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement appropriates $250,198,000 instead of $240,198,000 as proposed by the House and $200,000,000 as proposed by the Senate.

An additional $10,000,000 has been provided to accelerate cleanup activities at the gaseous diffusion plants in Paducah, Kentucky, and Portsmouth, Ohio, in an effort to deal with radioactive contamination of groundwater, surface water, and on-site burial grounds, as well as decontamination and decommissioning of facilities. The conferees are aware of over $30,000,000 in additional cleanup work at the Paducah site alone that was identified in the Phase I preliminary investigation completed by the Department on September 14, 1999. The conferees urge the Department to substantially increase the funding request in fiscal year 2001 for the Paducah and Portsmouth facilities to fully characterize waste in and around the DOE reservations and to eliminate the existing threats to the residents, workers, and the environment.

Funding of $30,000,000, the same as the budget request, has been provided for the uranium and thorium reimbursement program. The conferees recognize there are eligible uranium and thorium licensee claims under Title X of the Energy Policy Act that have been approved for reimbursement, but not yet paid in full. The conferees direct the Department of Energy to submit with the fiscal year 2001 budget request a current list of the licensees approved for payment, amounts paid to date, and remaining balances requiring reimbursement for each of the claimants.

SCIENCE

The conference agreement appropriates $2,799,851,000, instead of $2,718,647,000 as provided by the House or $2,725,069,000 as provided by the Senate. The conference agreement does not include the Senate bill language providing funding for Boston College, the University of Missouri or the Natural Energy Laboratory of Hawaii.

High energy physics.—The conference agreement provides $707,890,000 for high energy physics, instead of $715,525,000 as provided by the House or $691,090,000 as provided by the Senate. The conference agreement does not include the Senate reduction for research and development of a TeV scale center of mass accelerator. The conferees do have concerns about the early cost projections of this planned facility and urge the Department to consider reasonable expectations of budgets and significant international participation during the early planning process for this proposed facility.

Nuclear physics.—The conference agreement provides $352,000,000 for nuclear physics, instead of $357,940,000 as provided by the House or $330,000,000 as provided by the Senate. The conference agreement does not include the Senate provision eliminating funding for the Bates Linear Accelerator Laboratory.

Biological and environmental research.—The conference agreement includes $441,500,000, instead of $406,170,000 as provided by the House or $429,700,000 as provided by the Senate. The conferees have included $19,500,000 for the low-dose effects program including a review of the Hiroshima dosimetry system. The conferees have not provided $2,000,000 in the Defense Environment, Safety and Health account as proposed by the Senate for this review. The conferees have provided $100,000 to study the effects of radiation on avian populations at the Nevada Test Site.

The conference agreement includes $5,000,000 for improvements and optimum utilization of the University of Missouri research reactor and $1,500,000 for the Natural Energy Laboratory in Hawaii. The conferees have provided $2,500,000 for the bone marrow transplantation/radioimmunotherapy program at the City of Hope National Medical Center and $1,000,000 for the Gallo Institute of the Cancer Institute of New Jersey. The conference agreement also includes $1,000,000 for cancer research at the Burbank Hospital Regional Center in Fitchburg, Massachusetts; $2,000,000 for the Midwest Proton Radiation Institute; $1,000,000 for the Center for Research on Aging at Rush-Presbyterian-St. Luke's Medical Center in Chicago, Illinois; and $1,000,000 for the breast cancer program at the North Shore-Long Island Jewish Health System.

The conference agreement includes $1,500,000 for the Medical University of South Carolina's Cancer Research Center, $1,500,000 for the West Virginia National Education and Technology Center, $1,500,000 for the University of Las Vegas Science Complex, $1,000,000 for the Science Center at Creighton University, and $1,500,000 for the Utton Transboundary Center. The conference agreement includes $10,000,000 to further development of technologies using advanced functional brain imaging methodologies, including magnetoencephalography, for conduct of basic research in mental illness and neurological disorders. The conferees are aware of research into the molecular basis of disease and MicroPET at the University of California Los Angeles and encourage the Department to review this new technology and possible collaborations and report back to the Committees.

Basic energy sciences.—The conference agreement includes $783,127,000 instead of $735,989,000 as recommended by the House or $854,545,000 as recommended by the Senate. The conferees have included $7,000,000 for the Experimental Program to Stimulate Competitive Research, the same amount as provided by the House and the Senate. The conferees included very modest reductions to BES research programs and they strongly oppose any effort by the Department to target one laboratory when allocating this reduction.

Spallation Neutron Source.—The recommendation includes $117,900,000, including $100,000,000 for line-item construction costs and $17,900,000 for related research and development. The amount provided is $69,000,000 less than the amount provided by the Senate and $50,000,000 more than the amount provided by the House. The conferees have provided the same amount authorized in the House-passed authorization bill.

Computational and technology research.—The conference agreement includes $132,000,000, instead of $143,000,000 as provided by the House or $129,000,000 as provided by the Senate. The conferees strongly support the Department's current supercomputer programs including ASCI, NERSC, and modeling programs. The conferees urge the Department to submit a comprehensive plan for a non-Defense supercomputing program that reflects a unique role for the Department in this multi-agency effort and a budget plan that indicates spending requirements over a five-year budget cycle.

Energy research analyses.—The conference agreement includes $1,000,000, the same amount provided by the House and the Senate.

Multiprogram energy labs—facility support.—The conference agreement includes $21,260,000, the same amount provided by the House and the Senate. The conference agreement includes the additional $1,000,000 provided by the House to fully fund the Department's commitment to the payment-in-lieu of taxes program and does not include the additional $1,000,000 provided by the Senate for roofing improvements at Oak Ridge National Laboratory.

Fusion energy sciences.—The conference agreement includes $250,000,000, the same amount provided by the House instead of $220,614,000 as provided by the Senate. The conferees are pleased with the highly supportive recent report on fusion energy science from the Secretary of Energy's Advisory Board and with the comprehensive scientific plan developed by the Fusion Energy Sciences Advisory Committee (FESAC). The FESAC plan should be used by the Department as guidance in the allocation of the resources provided for fusion energy sciences.

Oak Ridge landlord.—The conference agreement includes $11,800,000 as proposed by the House.

Program Direction.—The recommendation is $131,108,000, instead of $126,963,000 as proposed by the House or $52,360,000 as proposed by the Senate. The conferees have provided $52,360,000 for headquarters program direction activities, the same amount provided by the House and Senate.

FUNDING ADJUSTMENTS

The conference agreement includes a reduction of $10,834,000 for contractor travel, the same amount as the budget request. The conferees have also included a $1,000,000 reduction for management and operating contractors in Washington, D.C.; a $10,000,000 general reduction; and a $10,000,000 reduction reflecting the House provision to include all funding for science education activities with program direction funding.

NUCLEAR WASTE DISPOSAL

The conference agreement appropriates $240,500,000 for Nuclear Waste Disposal instead of $242,500,000 as proposed by the Senate and $169,000,000 as proposed by the House.

The conference agreement includes $500,000 for the State of Nevada instead of $4,727,000 as proposed by the Senate and no funds as proposed by the House. This funding will be provided to the Department of Energy which will reimburse the State for actual expenditures on appropriate scientific oversight responsibilities conducted pursuant to the Nuclear Waste Policy Act of 1982. These funds may not be used for salaries and expenses for State employees in the oversight office.

The conference agreement includes $5,432,000 for affected units of local government as proposed by the Senate instead of no funds as proposed by the House. Funding for the affected local governments is to be allocated in the same proportion as was provided to each affected local government in fiscal year 1998.

The conference agreement includes $1,000,000 for seismic evaluations instead of $3,000,000 as proposed by the Senate. No funds are provided in this account for the development of accelerator transmutation of waste technology.

DEPARTMENTAL ADMINISTRATION

The conference agreement appropriates $206,365,000 for Departmental Administration instead of $193,769,000 as proposed by the House and $219,415,000 as proposed by the Senate. Funding of $10,000,000 is to be transferred to this account from Other Defense Activities. Revenues of $106,887,000, $10,000,000 less than the budget request, are estimated to be received in fiscal year 2000, resulting in a net appropriation of $99,478,000.

The conference agreement provides $26,000,000 for the Chief Financial Officer, an increase over the budget request of $23,792,000. These additional funds are to support the new engineering and construction division.

The conference agreement provides $1,000,000 as proposed by the House for severance payments for the office of field management.

Reprogramming Guidelines.—The conference agreement provides reprogramming authority of $500,000 or 5 percent, whichever is less, within the Departmental Administration account without submission of a reprogramming to be approved by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. This should provide the needed flexibility to manage this account. Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of $500,000 or 5 percent to an individual program account during the fiscal year require prior notification and approval from the House and Senate Committees on Appropriations.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement appropriates $29,500,000 for the Inspector General instead of $30,000,000 as proposed by the House and $29,000,000 as proposed by the Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

The conference agreement appropriates $4,443,939,000 instead of $3,962,500,000 as proposed by the House and $4,609,832,000 as proposed by the Senate.

The conference agreement includes language proposed by the Senate providing that funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense must be provided in accordance with procedures established for Work for Others by the Department of Energy.

The conference agreement deletes language proposed by the Senate allowing the use of stockpile stewardship funds for regional economic development and language proposed by the House deferring the obligation of $1,000,000,000 until certain conditions are met.

Stockpile stewardship.—The conferees have postponed the integrated strategy proposed by the Senate. From within available funds, the conference agreement provides $10,000,000 to enhance or provide new microsystems capability at the Sandia National Laboratory and $5,000,000 to begin the process of moving the Atlas pulsed power experimental facility to the Nevada Test Site.

Funding of $316,000,000 has been provided for the accelerated strategic computing initiative (ASCI) program, a reduction of $25,000,000 from the request of $341,000,000.

Inertial Fusion.—The agreement includes the additional $10,000,000 proposed by the House for the inertial fusion program to further development of high average power lasers.

National Ignition Facility.—The conference agreement does not include the additional funding proposed by the Senate for the National Ignition Facility.

The National Ignition Facility has been described as one of the cornerstones of the Stockpile Stewardship Program. The conferees understand that the most recent internal review of the project has concluded that the projected cost to complete the project has increased and the completion date will be delayed. The conferees are very disappointed by this. Additional reviews will be performed in coming months to establish the appropriate future actions for proceeding with this project.

The conferees direct that the Secretary of Energy complete and certify a new cost and schedule baseline for the National Ignition Facility and submit that certification to the Committees by June 1, 2000. If the Secretary is unable to provide such a certification, the Department should prepare an estimate of the costs necessary to terminate the project.

Technology transfer.—The conference agreement provides $14,500,000 for the technology transfer program. This includes $5,000,000 for the Amarillo Plutonium Research Center, the same as the budget request. The remaining funds support the projects identified in the budget request. The conferees recognize that the funds provided for technology transfer have been reduced substantially in recent years and recommend that the Department concentrate the remaining funds on technology partnerships with small business.

Education.—The conference agreement provides $18,600,000 for education programs, including the budget request of $6,000,000 for the Northern New Mexico Educational Enrichment Foundation and $8,000,000 for the Los Alamos School District.

Stockpile management.—For core stockpile management activities, the conference agreement provides $1,965,300,000, which includes the following adjustment to the budget request. Additional funding of $25,000,000 is to be distributed among the Y–12 plant in Oak Ridge, Tennessee; the Kansas City plant in Missouri; the Pantex plant in Amarillo, Texas; and, if necessary, up to $1,000,000 may be provided to plan modifications of the nuclear materials vault at the Los Alamos TA–55 facility.

Tritium.—A total of $175,000,000 is provided for continued research and development on a new source of tritium. Funding of $36,000,000, an increase of $5,000,000 over the budget request, has been provided for design only activities in Project 98–D–126, Accelerator Production of Tritium.

Chemical and Metallurgical Research (CMR) Building Upgrades.—The conference agreement provides $15,000,000 for upgrades to the CMR building. The conferees direct the Department to initiate the conceptual design of a replacement facility using existing operating funds.

Transportation Safeguards Division.—The conference agreement establishes a separate account for the Transportation Safeguards Division, as proposed by the House, and provides the budget request of $91,812,000. The conferees are aware that funding adjustments may be required in fiscal year 2000 to accommodate additional program activities.

Program direction.—The conference agreement provides $209,000,000, a reduction of $5,688,000 from the budget request after transferring $31,812,000 to the Transportation Safeguards Division account.

Funding adjustments.—The conference agreement includes the use of $7,668,000 of prior year balances, $30,000,000 for contractor travel savings, $5,000,000 for management and operating contractor savings, and a general reduction of $29,800,000.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement appropriates $4,484,349,000 for Defense Environmental Restoration and Waste Management instead of $4,157,758,000 as proposed by the House and $4,551,676,000 as proposed by the Senate. Additional funding of $1,064,492,000 is contained in the Defense Facilities Closure Projects account and $189,000,000 in the Defense Environmental Management Privatization account for a total of $5,737,841,000 provided for all defense environmental management activities.

In the event that the conference agreement requires a general reduction of available funding, such reductions shall be applied to the lowest priority projects and activities at each site in order to preserve critical program activities.

The conference agreement does not include statutory language proposed by the Senate earmarking funds for a project in Idaho.

Site/Project Completion.—The conference agreement provides an additional $10,000,000 to address funding shortfalls at the Hanford site in Richland, Washington.

Post 2006 Completion.—The conference agreement includes an additional $10,000,000 for spent fuel activities related to the Idaho Settlement Agreement; $13,000,000 to maintain schedules required by revised compliance agreements with the State of Washington; and $10,000,000 to support high level waste removal activities at the Savannah River Site in South Carolina.

Waste Isolation Pilot Plant (WIPP).—The conferees have included statutory language that would enable the Department to use funds otherwise available to the State of New Mexico to meet any bonding requirements that the State may impose on the operations of WIPP. The inclusion of such a provision should not be taken as a precedent. To the contrary, should such a requirement be imposed on the operation of WIPP, the conferees will recommend a statutory prohibition on such requirements.

The Department of Energy should review the role of the Environmental Evaluation Group to determine whether it is necessary to continue this oversight group now that WIPP has opened.

Health effects studies.—No funds are provided for health effects studies in the Environmental Management program. All funding for health effects studies is included in the Environment, Safety and Health (Defense) program.

Science and Technology Development.—The conference agreement provides $230,500,000 for the technology development program, the same as the budget request. The Department is directed to provide $5,000,000 from within available funds for the next round of new and innovative research grants in the environmental management science program in fiscal year 2000. The Department is urged to reallocate funds to the extent possible to provide up to $10,000,000 for technology deployment activities.

The conference agreement provides $4,500,000, an increase of $500,000 over the budget request, for the Diagnostic Instrumentation and Analysis Laboratory.

Program direction.—The conferees have provided $339,409,000 for the program direction account. The recommendation includes funding for the Federal employees at the Idaho Operations Office consistent with the Department's new organization structure.

Economic development.—The conference agreement maintains the current policy that no cleanup funds are to be used for economic development activities. The conferees have provided $24,500,000 in the worker and community transition program which was established and authorized to fund such activities, and expect all economic development activities to be funded from that program.

Funding adjustments.—The conference agreement includes the use of $40,000,000 of

prior year balances; $6,000,000 for contractor travel savings; $8,700,000 in offsetting collections; and $2,000,000 for management and operating contractor savings.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement appropriates $1,064,492,000 for the Defense Facilities Closure Projects account instead of $1,054,492,000 as proposed by the House and $1,069,492,000 as proposed by the Senate. The conferees expect the Department to request adequate funds to keep each of these projects on a schedule for closure by 2006 or earlier.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement provides $189,000,000 for the environmental management privatization program instead of $228,000,000 as proposed by the House and the Senate. The conferees are aware that funding requirements for the Disposal Cell at Oak Ridge, Tennessee, have been reduced by $39,000,000.

OTHER DEFENSE ACTIVITIES

The conference agreement appropriates $1,722,444,000 for Other Defense Activities instead of $1,651,809,000 as proposed by the House and $1,872,000,000 as proposed by the Senate. Details of the conference agreement are provided below.

NONPROLIFERATION AND NATIONAL SECURITY

The conference agreement provides $744,850,000 for nonproliferation and national security programs instead of $691,050,000 as proposed by the House and $822,300,000 as proposed by the Senate.

Competitive research.—The conferees direct the Department to initiate a free and open competitive process for 25 percent of its research and development activities during fiscal year 2000. In addition, 25 percent of the Department's treaty monitoring program is to be awarded through an open competitive process. The competitive process should be open to all Federal and non-Federal entities.

The conference agreement provides funds for Project 00–D–192, the Nonproliferation and International Security Center at Los Alamos. However, none of the funds may be obligated until an external, independent project assessment has been completed and provided to the House and Senate Committees on Appropriations for review.

Federal employees.—The conferees are aware that the Department does not have enough qualified Federal employees available to manage the nonproliferation and national security programs, particularly the Russian programs. The conferees will favorably consider a reprogramming of funds from these program areas to the program direction account as Federal employees are hired to replace the contractor employees who currently oversee these programs contrary to proper role of contractor employees.

Arms Control.—The conference agreement includes $41,152,000 for chemical and biological non-proliferation activities; $150,000,000 for the materials protection, control and accounting program; $22,500,000 for the Initiatives for Proliferation Program; and $7,500,000 for the Nuclear Cities Initiative.

Emergency Management.—The conference agreement includes the budget request of $21,000,000 for emergency management.

Nuclear Safeguards and Security.—The conference agreement provides $69,100,000, an increase of $10,000,000 over the budget request. This funding is recommended to enhance protection of critical facilities and infrastructure against physical and cyber attacks. From within available funds, $1,000,000 is provided to address the vulnerabilities of security equipment; $1,000,000 is provided to procure safety locks to meet Federal specifications; and $1,000,000 is to be used for an enhanced information assurance program.

Security Investigations.—The conference agreement provides $33,000,000 for security investigations, an increase of $3,000,000 over the budget request.

HEU Transparency Implementation.—The conference agreement provides $15,750,000, the same as the budget request.

International Nuclear Safety.—The conference agreement provides $15,000,000 for the international nuclear safety program. This funding is to be used only for activities in support of completing the upgrades to Soviet-designed nuclear reactors. No funds are provided to initiate new programs in fiscal year 2000 or to expand new programs initiated in fiscal year 1999.

Program direction.—The conference agreement provides $89,000,000 for the program direction account. The conferees are aware of and support the proposal to restructure the Moscow office by reducing the use of national laboratory employees.

INTELLIGENCE

The conference agreement includes $36,059,000 as proposed by the House and the Senate to support the Department's intelligence program.

COUNTERINTELLIGENCE

The conference agreement includes $39,200,000 as proposed by the House and the Senate to support the Department's counterintelligence program.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides $5,000,000 in support of the newly established office of independent oversight and performance assurance. This is in addition to the funds provided for this office in the budget for Environment, Safety and Health (Defense).

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $98,000,000 for defense-related environment, safety and health activities instead of $96,600,000 as proposed by the House and $94,000,000 as proposed by the Senate. The conference agreement does not reduce funding for environmental evaluations and contractor support to the Defense Nuclear Facilities Safety Board liaison. The budget request of $13,500,000 has been provided for the Radiation Effects Research Foundation.

Health Effects Studies.—The conferees have provided $48,956,000 for health effects studies. This amount includes the budget request of $40,956,000 in this account and $8,000,000 from the Defense Environmental Management program.

From within available funds, the Department should reprioritize the funding for health effects studies to address the health concerns of current and former workers for the purpose of early identification of work-related diseases at the gaseous diffusion plants in Paducah, Portsmouth, and Oak Ridge. As part of this screening program, the Department is urged to make use of recent medical advances that detect lung cancers at an early stage. Medical screening results will be assessed by occupational medicine physicians, and the participants, where appropriate, will be provided referral assistance. The conferees also urge the Department to request sufficient funds for fiscal year 2001 to provide medical surveillance for those workers, both former and current, who were not screened under this accelerated program at the three gaseous diffusion plants.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides $24,500,000 for the worker and community transition program instead of $20,000,000 as proposed by the House and $30,000,000 as proposed by the Senate. Since there are no significant program funding decreases in the Department of Energy in fiscal year 2000, the conferees have reduced the funding allocated for enhanced severance benefits and local assistance grants.

The conferees do not agree that this program should share the infrastructure burden that is necessary to maintain test readiness at the Nevada Test Site, but support efforts to diversify technical activities at the Nevada Test Site.

FISSILE MATERIALS DISPOSITION

The conference agreement provides $173,235,000 for fissile materials disposition instead of $190,000,000 as proposed by the House and $205,000,000 as proposed by the Senate. The conference agreement does not include the budget request of $21,765,000 for Project 00–D–142, Immobilization and Associated Processing Facility, which has been delayed. The conference agreement provides no long-lead procurement funds for Project 99–D–141, Pit Disassembly and Conversion Facility.

The conferees have included $5,000,000 as proposed by the Senate to support the joint U.S.-Russian development program of advanced reactor technology to dispose of Russian excess weapons-derived plutonium. Of this funding, $2,000,000 is available for work to be performed in the United States by the Department of Energy and other U.S. contractors, and $3,000,000 is to be expended for work in Russia. The $3,000,000 shall be made available for work in Russia on the gas reactor technology on the condition and only to the extent that the Russian Federation matches these contributions with either comparable funding or contributions-in-kind.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides $10,000,000 for national security programs administrative support instead of $25,000,000 as proposed by the House and no funding as proposed by the Senate.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides $3,000,000 as proposed by the House and the Senate.

NAVAL REACTORS

The conference agreement includes $677,600,000 as provided by the House and the Senate.

FUNDING ADJUSTMENTS

The conference agreement includes the use of $49,000,000 of prior year balances; $13,000,000 for contractor travel savings; $20,000,000 offset to user organizations; and $7,000,000 for management and operating contractor savings. Reductions to prior year balances should be applied to those programs which have uncosted balances which are nearly equal to the program expenditures for the entire fiscal year.

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides $112,000,000 as proposed by the House instead of $112,500,000 as proposed by the Senate. Funding proposed by the Senate for the accelerator transmutation of waste program has been included in the Energy Supply account.

POWER MARKETING ADMINISTRATIONS

The conference agreement does not include the Administration's proposal, included in the House bill, to eliminate the Department's purchase power programs. The conference agreement includes the Senate provision to fund these purchases in advance as in prior years.

The conference agreement does not include the House statutory provision prohibiting

the power marketing administrations (PMAs) from installing fiber optic cable in excess of operational needs. Under current law, the PMAs have authority to install fiber optic cable as part of the authority to operate transmission services. The conferees note that the same authority exists for all the PMAs. Installed and planned fiber optic cable costs for Western Area Power Authority (WAPA) amount to approximately $6,000,000 and comparable costs of the Bonneville Power Administration (BPA) are approximately $140,000,000. Because WAPA manages approximately 17,000 miles of transmission and BPA manages approximately 15,000 miles, there are concerns about this level of spending on fiber optic cable installations.

The conferees direct the PMAs to prepare a comprehensive fiber optic cable plan that includes all activities relating to installation, operation, marketing and leasing of fiber optic cables and related communications operations. The plan should provide details on current and future operational needs, summary information of current leases, planned leasing costs and revenues, criteria used to determine where and when to install fiber optic cable, and criteria used to determine leasing agreements. The plan should include summary tables so that comparisons can be made among the PMAs. For example, the plan should include cost-per-mile figures, outyear projections and expected revenues for each of the PMAs. The Administrators should include justification for all fiber optic cable installation activities including the PMAs' specific statutory authority for the activities included in the plan. The plan shall be submitted to the appropriate committees of the House and Senate within 180 days of enactment of this Act.

BONNEVILLE POWER ADMINISTRATION

The conferees have included the House provision providing $1,500 for official reception and representation expenses, instead of $3,000 as provided by the Senate.

SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes $39,594,000 as provided by the Senate, instead of no funding as recommended in the budget request or the House bill. The conferees have included a 3,000,000 rescisson instead of the $5,500,000 rescission included in the Senate bill. The conference agreement includes the Administration's proposal, included in the House bill, to transfer $773,000 from the Southeastern Power Administration to the Southwestern Power Administration.

SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes $28,773,000, instead of $28,000,000 and as proposed by the Senate and $27,167,000 as proposed by the House. The conference agreement includes the Administration's proposal, included in the House bill, to transfer $773,000 from the Southeastern Power Administration to the Southwestern Power Administration.

WESTERN AREA POWER ADMINISTRATION

The conference agreement includes $193,357,000, instead of $171,471,000 as provided by the House or $223,555,000 as provided by the Senate. It is the conferees' intent to fully fund the Western Area Power Administration (WAPA) including any necessary purchase power and wheeling costs. However, as the conferees attempted to determine the appropriate level of funding in the absence of an Administration request for such funds, their efforts were frustrated by WAPA's inability to provide basic information such as WAPA's current level of unobligated previously appropriated purchase power and wheeling funds and by uncertainties regarding future requirements caused by potential or ongoing contract renegotiations. If WAPA later determines that the amount provided is insufficient, the conferees direct the Department to expeditiously submit a reprogramming request.

FALCON AND AMISTAD FUND

The conference agreement includes $1,309,000, the same amount provided by the House and Senate.

FEDERAL ENERGY REGULATORY COMMISSION

The conference agreement includes $174,950,000, the same amount as provided by the House, instead of $170,000,000 as provided by the Senate.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to award a management and operating contract unless such contract is awarded using competitive procedures, or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. Section 301 does not preclude extension of a contract awarded using competitive procedures.

SEC. 302. The conference agreement includes a provision proposed by the House that none of the funds may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation.

SEC. 303. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102–484.

SEC. 304. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to augment the $24,500,000 made available for obligation for severance payments and other benefits and community assistance grants authorized under the provisions of section 3161 of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102–484.

SEC. 305. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if the program has not been funded by Congress in the current fiscal year. This provision precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress.

SEC. 306. The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill.

SEC. 307. The conference agreement includes a provision proposed by the House allowing the Secretary of Energy to enter into multi-year contracts without obligating the estimated costs associated with any necessary cancellation or termination of the contract. This provides the Department of Energy with the same flexibility provided to the Department of Defense.

SEC. 308. The conference agreement modifies language proposed by the House pertaining to Laboratory Directed Research and Development (LDRD) funding. The provision caps funding for LDRD at four percent. Funds provided to the laboratories for programs such as environmental cleanup and restoration may not be taxed for LDRD purposes.

SEC. 309. The conference agreement modifies language proposed by the House and Senate limiting to $150,000,000 the funds available for reimbursement of management and operating contractor travel expenses. The language also requires the Department of Energy to reimburse contractors for travel consistent with regulations applicable to Federal employees.

SEC. 310. The conference agreement modifies language proposed by the House requiring the Department of Energy's laboratories to provide an annual funding plan to the Department for approval by the Secretary. This requirement has been expanded to all of the Department's multi-purpose national laboratories.

SEC. 311. The conference agreement modifies a provision proposed by the House requiring the Secretary of Energy to review and approve the contract terms of all prime contractors who manage Departmental sites and facilities.

SEC. 312. The conference agreement includes a provision proposed by the House prohibiting the expenditure of funds to establish or maintain independent centers at Department of Energy laboratories or facilities unless they are specifically identified in the budget submission. The Department should provide to the House and Senate Committees on Appropriations by November 30, 1999, a list of all such centers at each laboratory or facility, the annual cost, number of employees, and the source of funding.

SEC. 313. The conference agreement includes language proposed by the House and Senate prohibiting the expenditure of funds to restart the High Flux Beam Reactor.

SEC. 314. The conference agreement modifies language proposed by the House limiting the activities of the Federal power marketing administrations in several areas. The conferees have prohibited the use of funds by the Bonneville Power Administration to to perform energy efficiency services outside Bonneville's service territory, with the exception of services provided internationally.

SEC. 315. The conference agreement includes a provision proposed by the Senate limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision applies to the five material categories addressed in the ''Final Environmental Impact Statement on Management of Certain Plutonium Residues on Scrub Alloy Stored at the Rocky Flats Environmental Technology Site'', Table S–2, Notice of Intent Categories.

SEC. 316. The conference agreement modifies language proposed by the Senate limiting the inclusion of costs of fish and wildlife protection within rates charged by the Bonneville Power Administration. The Administrator is directed to provide a report to the appropriate committees of the House and Senate which includes assumptions to be used in determining fish and wildlife costs during the 2002–2006 rate period. The report should be provided not later than December 31, 1999.

Provisions not adopted by the conferees.—The conference agreement deletes language proposed by the House limiting the waiving of overhead or added factor charges for work performed for other Federal agencies.

The conference agreement deletes language proposed by the House repealing section 505 of Public Law 102–377, the Fiscal Year 1993 Energy and Water Development Appropriations Act, and section 208 of Public Law 99–349, the Urgent Supplemental Appropriations Act, 1986.

The conference agreement deletes bill language proposed by the House limiting the use of funds by the Federal power marketing administrations in the area of fiber optic telecommunications.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

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	Budget Request	Conference
ENERGY SUPPLY		
SOLAR AND RENEWABLE RESOURCES TECHNOLOGIES		
Solar energy		
Solar building technology research	5,500	2,000
Photovoltaic energy systems	93,309	67,000
Photovoltaic energy research	2,847	2,847
Subtotal, Photovoltaic	96,156	69,847
Concentrating solar power	18,850	15,410
Biomass/biofuels energy systems		
Power systems	38,950	32,500
Transportation	53,441	39,500
Subtotal, Biomass/biofuels energy systems	92,391	72,000
Biomass/biofuels energy research	26,740	26,740
Subtotal, Biomass	119,131	98,740
Wind energy systems	45,600	33,000
Wind energy research	283	283
Subtotal, Wind	45,883	33,283
Renewable energy production incentive program	1,500	1,500
Solar program support	10,000	5,000
International solar energy program	6,000	4,000
National renewable energy laboratory	1,100	1,100
Solar photoconversion energy research	14,260	14,260
Total, Solar Energy	318,380	245,140

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	Budget Request	Conference
Geothermal		
Geothermal technology development	29,500	24,000
Hydrogen research	28,000	25,000
Hydrogen energy research	2,970	2,970
Total, Hydrogen	30,970	27,970
Hydropower	7,000	5,000
Renewable Indian energy resources	---	4,000
Electric energy systems and storage		
Transmission reliability	4,000	3,000
High temperature superconducting R&D	31,000	31,910
Energy storage systems	6,000	3,500
Total, Electric energy systems and storage	41,000	38,410
Program direction	19,171	17,720
TOTAL, SOLAR AND RENEWABLE RESOURCES TECHNOLOGIES	446,021	362,240

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	Budget Request	Conference
NUCLEAR ENERGY		
Nuclear energy R&D		
Advanced radioisotope power system	37,000	34,500
Test reactor area landlord	6,070	6,070
Construction		
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Laboratory, ID	1,430	1,430
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Laboratory, ID	1,500	1,500
Subtotal, Construction	2,930	2,930
Subtotal, Test reactor area landlord	9,000	9,000
University reactor fuel assistance and support	11,345	12,000
Nuclear energy plant optimization	5,000	5,000
Nuclear energy research initiative	25,000	22,500
Civilian research and development	---	9,000
Total, Nuclear energy R&D	87,345	92,000
Fast flux test facility (FFTF)	30,000	28,000
Termination costs	65,000	80,000
Uranium programs	41,000	43,500
Isotope support	13,000	13,000
Construction		
99-E-201 Isotope production facility (LANL)	8,000	7,500
Total, Isotope support	21,000	20,500
Program direction	24,960	24,700
TOTAL, NUCLEAR ENERGY	269,305	288,700

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	Budget Request	Conference
ENVIRONMENT, SAFETY AND HEALTH		
Environment, safety and health	31,752	20,000
Program direction	18,998	18,998
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	50,750	38,998
ENERGY SUPPORT ACTIVITIES		
Technical information management program	1,600	1,600
Program direction	7,500	7,000
Total, Technical information management program	9,100	8,600
Transfer to OSHA	---	1,000
Field operations	102,000	---
Oak Ridge Landlord	11,812	---
TOTAL, ENERGY SUPPORT ACTIVITIES	122,912	9,600
Subtotal, Energy supply	888,988	699,538
Renewable energy research program	-47,100	-47,100
General reduction	---	-6,000
Transfer from Geothermal and USEC	-5,821	-5,821
Contractor travel savings	-1,276	-1,500
TOTAL, ENERGY SUPPLY	834,791	639,117

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	Budget Request	Conference
NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure	211,146	216,946
Site/project completion	98,366	95,250
Construction		
93-E-900 Long-term storage of TMI-2 fuel, INEL	2,500	2,500
Subtotal, Site/project completion	100,866	97,750
Post 2006 completion	18,922	18,922
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT	330,934	333,618
URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND		
Decontamination and decommissioning	210,198	220,198
Uranium/thorium reimbursement	30,000	30,000
TOTAL, URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING	240,198	250,198

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	Budget Request	Conference
SCIENCE		
High energy physics		
Research and technology	227,190	229,190
Facility operations	441,200	450,000
Construction		
00-G-307 SLAC office building	2,000	2,000
99-G-306 Wilson hall safety improvements, Fermilab	4,700	4,700
98-G-304 Neutrinos at the main injector, Fermilab	22,000	22,000
Subtotal, Construction	28,700	28,700
Subtotal, Facility operations	469,900	478,700
Total, High energy physics	697,090	707,890
Nuclear physics	352,825	352,000
Biological and environmental research	411,170	441,500
Basic energy sciences		
Materials sciences	407,636	405,000
Chemical sciences	215,577	209,582
Engineering and geosciences	37,545	37,545
Energy biosciences	31,226	31,000
Construction		
99-E-334 Spallation neutron source (ORNL)	196,100	100,000
Total, Basic energy sciences	888,084	783,127

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	Budget Request	Conference
Other energy research		
Computational and technology research	196,875	132,000
Energy research analyses	1,000	1,000
Multiprogram energy labs - facility support		
Infrastructure support	1,160	2,160
Construction		
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations	18,351	18,351
Multiprogram general purpose facilities		
Construction		
94-E-363 Roofing improvements (ORNL)	749	749
Subtotal, Multiprogram energy labs - fac. suppor	20,260	21,260
Total, Other energy research	218,135	154,260
Fusion energy sciences program	222,614	250,000
Oak Ridge landlord	---	11,800
Program direction		
Headquarters	52,360	52,360
Field offices	---	78,748
Total, Program direction	52,360	131,108
Subtotal, Science	2,842,278	2,831,685
Contractor travel savings	-10,834	-10,834
General reduction	---	-21,000
TOTAL, SCIENCE	2,831,444	2,799,851

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	Budget Request	Conference
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary	4,940	4,940
Board of contract appeals	838	838
Chief financial officer	23,792	26,000
Contract reform	3,200	3,000
Congressional and intergovernmental affairs	4,910	4,910
Economic impact and diversity	5,046	4,700
Field management	8,080	1,000
General counsel	21,434	20,750
Management and administration	101,273	98,000
Policy office	17,430	14,000
Public affairs	3,963	3,700
Subtotal, Salaries and expenses	194,906	181,838
Program support		
Minority economic impact	1,700	1,700
Policy analysis and system studies	1,000	350
Environmental policy studies	2,432	1,000
Scientific and technical training	450	450
Corporate management information program	13,000	12,000
Subtotal, Program support	18,582	15,500
Total, Administrative operations	213,488	197,338
Cost of work for others	34,027	34,027
Subtotal, Departmental Administration	247,515	231,365
Use of prior year balances and other adjustments	-7,138	-15,000
Transfer from other defense activities	---	-10,000
Total, Departmental administration (gross)	240,377	206,365
Miscellaneous revenues	-116,887	-106,887
TOTAL, DEPARTMENTAL ADMINISTRATION (net)	123,490	99,478
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General	30,000	29,500

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	Budget Request	Conference
ATOMIC ENERGY DEFENSE ACTIVITIES		
WEAPONS ACTIVITIES		
Stockpile stewardship		
Core stockpile stewardship	1,635,355	1,610,355
Construction		
00-D-103, Terascale simulation facility, LLNL, Livermore, CA	8,000	8,000
00-D-105 Strategic computing complex, LANL Los Alamos, NM	26,000	26,000
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM	1,800	1,800
99-D-102 Rehabilitation of maintenance facility, LLNL, Livermore, CA	3,900	3,900
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA	2,000	2,000
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA	2,400	2,400
99-D-105 Central health physics cailbration facility, LANL, Los Alamos, NM	1,000	1,000
99-D-106 Model validation & system certication center, SNL, Albuquerque, NM	6,500	6,500
99-D-108 Renovate existing roadways, Nevada Test Site, NV	7,005	5,000
97-D-102 Dual-axis radiographic hydrotest facility (LANL), Los Alamos, NM	61,000	61,000
96-D-102 Stockpile stewardship facilities revitalization (Phase VI), various locations	2,640	2,640
96-D-104 Processing and environmental technology laboratory (SNL)	10,900	10,900
Subtotal, Construction	133,145	131,140
Subtotal, Core stockpile stewardship	1,768,500	1,741,495

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	Budget Request	Conference
Inertial fusion	217,600	227,600
Construction		
96-D-111 National ignition facility, LLNL	248,100	248,100
Subtotal, Inertial fusion	465,700	475,700
Technology transfer/education		
Technology transfer	22,200	14,500
Education	29,800	18,600
Subtotal, Technology transfer/education	52,000	33,100
Total, Stockpile stewardship	2,286,200	2,250,295
Stockpile management	1,839,621	1,804,621
Construction		
99-D-122 Rapid reactivation, various locations	11,700	11,700
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO	17,000	17,000
99-D-128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX	3,429	3,429
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM	11,300	11,300
98-D-123 Stockpile mgmt. restructuring initiative Tritium factory modernization and consolidation, Savannah River, SC	21,800	21,800
98-D-124 Stockpile mgmt. restructuring initiative Y-12 consolidation, Oak Ridge, TN	3,150	3,150
98-D-125 Tritium extraction facility, SR	33,000	33,000
98-D-126 Accelerator production of Tritium, various locations	31,000	36,000
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS	4,800	4,800
95-D-102 Chemistry and metallurgy research (CMR) upgrades project (LANL)	18,000	15,000

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	Budget Request	Conference
88-D-123 Security enhancements, Pantex plant, Amarillo, TX	3,500	3,500
Subtotal, Construction	158,679	160,679
Total, Stockpile management	1,998,300	1,965,300
Transportation safeguards division		
Operations and equipment	---	60,000
Program direction	---	31,812
Total, Transportation safeguards division	---	91,812
Program direction	246,500	209,000
Subtotal, Weapons activities	4,531,000	4,516,407
Use of prior year balances	---	-7,668
Contractor travel savings	-23,065	-30,000
Directed savings	---	-5,000
General reduction	---	-29,800
TOTAL, WEAPONS ACTIVITIES	4,507,935	4,443,939

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	Budget Request	Conference
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion		
Operation and maintenance	892,629	902,002
Construction		
99-D-402 Tank farm support services, F&H area, Savannah River site, Aiken, SC	3,100	3,100
99-D-404 Health physics instrumentation laboratory (INEL), ID	7,200	5,000
98-D-401 H-tank farm storm water systems upgrade, Savannah River, SC	2,977	2,977
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA	16,860	16,860
98-D-700 Road rehabilitation (INEL), ID	2,590	2,590
97-D-450 Savannah River nuclear material storage, Savannah River Site, Aiken, SC	4,000	4,000
97-D-470 Regulatory monitoring and bioassay laboratory, Savannah River site, Aiken, SC	12,220	12,220
96-D-406 Spent nuclear fuels canister storage and stabilization facility, Richland, WA	24,441	20,941
96-D-464 Electrical & utility systems upgrade, Idaho chemical processing plant (INEL), ID	11,971	11,971
96-D-471 CFC HVAC/chiller retrofit, Savannah River site, Aiken, SC	931	931
86-D-103 Decontamination and waste treatment facility (LLNL), Livermore, CA	2,000	2,000
Subtotal, Construction	88,290	82,590
Total, Site/project completion	980,919	984,592

	Budget Request	Conference
Post 2006 completion		
Operation and maintenance	2,478,997	2,511,997
Uranium enrichment D&D fund contribution	420,000	420,000
Construction		
00-D-401 Spent Nuclear Fuel treatment and storage facility Title I & II, Savannah River, SC	7,000	7,000
99-D-403 Privatization Phase I infrastructure support, Richland, WA	13,988	13,988
97-D-402 Tank farm restoration and safe operations, Richland, WA	20,516	20,516
94-D-407 Initial tank retrieval systems, Richland, WA	4,060	4,060
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	8,987	8,987
Subtotal, Construction	54,551	54,551
Total, Post 2006 completion	2,953,548	2,986,548
Science and technology	230,500	230,500
Program direction	349,409	339,409
Subtotal, Defense environmental management	4,514,376	4,541,049
Use of prior year balances/general reduction	---	-40,000
Contractor travel savings	-7,725	-6,000
Offsetting collections	-8,700	-8,700
Directed savings	---	-2,000
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,497,951	4,484,349
DEFENSE FACILITIES CLOSURE PROJECTS		
Closure projects	1,054,492	1,064,492

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	Budget Request	Conference
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations.....	253,000	233,000
Use of prior year balances.....	-25,000	-44,000
TOTAL, DEFENSE ENVIRONMENTAL MGMT. PRIVATIZATION..	228,000	189,000
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT.....	5,780,443	5,737,841
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Nonproliferation and national security		
Verification and control technology		
Nonproliferation and verification, R&D.....	215,000	215,000
Construction		
00-D-192 Nonproliferation and international security center (NISC), LANL.....	6,000	6,000
Subtotal, Nonproliferation & verification...	221,000	221,000
Arms control.....	296,000	281,000
Subtotal, Verification and control technology.	517,000	502,000
Emergency management.....	21,000	21,000
Nuclear safeguards and security.....	59,100	69,100
Security investigations.....	30,000	33,000
HEU transparency implementation.....	15,750	15,750
International nuclear safety.....	34,000	15,000
Program direction - NN.....	90,450	89,000
Subtotal, Nonproliferation and national security	767,300	744,850
Intelligence.....	36,059	36,059
Counterintelligence.....	39,791	39,200
Security and emergency operations.....	65,214	---
Independent oversight and performance assurance.....	6,800	5,000
Environment, safety and health (Defense).....	67,231	73,231
Program direction - EH.....	24,769	24,769
Subtotal, Environment, safety & health (Defense)	92,000	98,000
Worker and community transition.....	26,500	21,000
Program direction - WT.....	3,500	3,500
Subtotal, Worker and community transition.....	30,000	24,500

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	Budget Request	Conference
Fissile materials disposition	129,766	134,766
Program direction - MD	7,343	7,343
Construction		
00-D-142 Immobilization and associated processing facility, various locations	21,765	---
99-D-141 Pit disassembly and conversion facility, various locations	28,751	18,751
99-D-143 Mixed oxide fuel fabrication facility, various locations	12,375	12,375
Subtotal, Construction	62,891	31,126
Subtotal, Fissile materials disposition	200,000	173,235
National Security programs administrative support	---	10,000
Office of hearings and appeals	3,000	3,000
Subtotal, Other national security programs	1,240,164	1,133,844
Contractor travel savings	-5,790	-13,000
Total, Other national security programs	1,234,374	1,120,844

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	Budget Request	Conference
Naval reactors		
Naval reactors development	620,400	633,000
Construction		
GPN-101 General plant projects, various locations	9,000	9,000
98-D-200 Site laboratory/facility upgrade, various locations	3,000	3,000
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	12,000	12,000
Subtotal, Construction	24,000	24,000
Subtotal, Naval reactors development	644,400	657,000
Program direction	20,600	20,600
Total, Naval reactors	665,000	677,600
Subtotal, Other defense activities	1,899,374	1,798,444
Use of prior year balances	---	-49,000
Offset to user organizations	-20,000	-20,000
Contribution from labs	-12,559	---
Directed savings	---	-7,000
Other reductions	-3,800	---
TOTAL, OTHER DEFENSE ACTIVITIES	1,863,015	1,722,444
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal	112,000	112,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	12,263,393	12,016,224

	Budget Request	Conference
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Operation and maintenance/program direction	---	11,594
Purchase power and wheeling	---	28,000
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	---	39,594
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses	3,625	3,625
Purchase power and wheeling	---	833
Program direction	17,631	17,631
Construction	6,684	6,684
Subtotal, Operation and maintenance	27,940	28,773
Transfer from Southeastern Power	-773	-773
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	27,167	28,000
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation	26,802	26,802
System operation and maintenance	35,096	35,096
Purchase power and wheeling	---	41,886
Program direction	104,537	104,537
Utah mitigation and conservation	5,036	5,036
Subtotal, Operation and maintenance	171,471	213,357
Use of prior year balances	---	-20,000
TOTAL, WESTERN AREA POWER ADMINISTRATION	171,471	193,357
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance	1,309	1,309
TOTAL, POWER MARKETING ADMINISTRATIONS	199,947	262,260

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	Budget Request	Conference
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	179,900	174,950
FERC revenues	-179,900	-174,950
TOTAL, FEDERAL ENERGY REGULATORY COMMISSION	---	---
NUCLEAR WASTE DISPOSAL		
Repository program	198,189	180,689
Program direction	59,811	59,811
Subtotal from Nuclear Waste Disposal Fund	258,000	240,500
Transfer from defense nuclear waste disposal	(39,000)	---
TOTAL, NUCLEAR WASTE DISPOSAL	258,000	240,500
GRAND TOTAL, DEPARTMENT OF ENERGY	17,112,197	16,670,746

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement includes $66,400,000 for the Appalachian Regional Commission instead of $60,000,000 as proposed by the House and $71,400,000 as proposed by the Senate. Of this amount, $1,000,000 is for the Richie County Dam project in West Virginia.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

The conference agreement appropriates $17,000,000 for the Defense Nuclear Facilities Safety Board instead of $16,500,000 as proposed by the House or $17,500,000 as proposed by the Senate.

DENALI COMMISSION

The conference agreement includes $20,000,000 for the Denali Commission instead of $25,000,000 as proposed by the Senate. The conference agreement deletes language proposed by the House rescinding $18,000,000 previously appropriated to the Denali Commission.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $465,000,000, instead of $455,400,000 as recommended by the House or $465,400,000 as recommended by the Senate. The conferees have provided $19,150,000, to be derived from the Nuclear Waste Fund, for the Commission's ongoing work to characterize Yucca Mountain as a potential site for a permanent nuclear waste repository. The conference agreement also includes $3,850,000 for regulatory reviews and other assistance provided to the Department of Energy.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $5,000,000, the same amount provided by the Senate, instead of $6,000,000 as provided by the House.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

The conference agreement appropriates $2,600,000 as proposed by the House instead of $3,150,000 as proposed by the Senate.

TENNESSEE VALLEY AUTHORITY

The conference agreement deletes language proposed by the Senate appropriating $7,000,000 for the Tennessee Valley Authority. The conference agreement includes language providing authority for the Tennessee Valley Authority to use up to $3,000,000 in previously appropriated funds to pay for transition costs of Land Between the Lakes.

TITLE V—RESCISSIONS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The conference agreement includes language proposed by the Senate rescinding appropriations for specified projects within the General Investigations and Construction, General account, amended to delete language proposed by the Senate to rescind appropriations from: the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, investigation; the Southern and Eastern Kentucky, Kentucky, construction project; and the South Central Pennsylvania, Environmental Improvements Program, Pennsylvania, construction project.

DEPARTMENT OF ENERGY

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes a rescission of $3,000,000 instead of language proposed by the Senate rescinding $5,500,000 from the Southeastern Power Administration.

NUCLEAR WASTE DISPOSAL

The conference agreement includes language to rescind $4,000,000 from the multipurpose canister design program in the Nuclear Waste Disposal Fund. This funding was provided in Public Law 105–62, the FY 1998 Energy and Water Development Appropriations Act.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The conference agreement includes language proposed by both the House and Senate directing that none of the funds in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. The conference agreement includes language proposed by both the House and Senate regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America.

SEC. 603. The conference agreement includes language proposed by both the House and Senate providing that no funds may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit of the Central Valley Project until certain conditions are met. The language also provides that the costs of the Kesterson Reservoir Cleanup Program and the San Joaquin Valley Drainage Program shall be classified as reimbursable or non-reimbursable by the Secretary of the Interior as described in the Bureau of Reclamation report entitled, ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'' and that any future obligation of funds for drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries pursuant to Reclamation law.

SEC. 604. The conference agreement includes language proposed by both the House and Senate providing a one-year extension of the authority of the Nuclear Regulatory Commission to collect fees and charges to offset appropriated funds.

SEC. 605. The conference agreement includes language proposed by the House to repeal the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe and State of South Dakota Terrestrial Wildlife Habitat Restoration Act, as authorized under title VI of division C of Public Law 105–277. This Act was reauthorized in subsequent legislation.

SEC. 606. The conference agreement includes language proposed by the House making a technical change to a provision of the Water Resources Development Act of 1996 authorizing reimbursement for work by non-Federal interests on certain civil works projects of the Corps of Engineers.

SEC. 607. The conference agreement includes language proposed by the House limiting the use of funds to propose or issue rules, regulations, decrees, or orders for the purpose of implementing the Kyoto Protocol.

SEC. 608. The conference agreement includes language proposed by the Senate amending the United States Enrichment Corporation Fund.

SEC. 609. The conference agreement includes language proposed by the Senate changing the name of the Cascade Reservoir in Idaho to ''Lake Cascade.''

SEC. 610. The conference agreement includes language proposed by the Senate amending the Pacific Northwest Electric Power Planning and Conservation Act by changing an annual cost limitation.

SEC. 611. The conference agreement includes language providing permanent authority for the Corps of Engineers to expend funds for various activities in the Formerly Utilized Sites Remedial Action Program (FUSRAP). The Committees on Appropriations have been providing annual authorization for these activities.

Other.—The Senate bill included section 604 prohibiting the restart of the High Flux Beam Reactor. The conference agreement includes this prohibition in Title III, Department of Energy, General Provisions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

(In thousands of dollars)

New budget (Obligational) authority, fiscal year 1999	$22,158,325
Budget estimates of new (obligational) authority, fiscal year 2000	22,021,026
House bill, fiscal year 2000	20,640,395
Senate bill, fiscal year 2000	21,717,325
Conference agreement, fiscal year 2000	21,729,969
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	−428,356
Budget estimates of new (obligational) authority, fiscal year 2000	−291,057
House bill, fiscal year 2000	+1,089.574
Senate bill, fiscal year 2000	+12,644

RON PACKARD,
HAROLD ROGERS,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
SONNY CALLAHAN,
TOM LATHAM,
ROY BLUNT,
BILL YOUNG,
PETER VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
MIKE FORBES,
DAVE OBEY,
Managers on the Part of the House.

PETE DOMENICI,
THAD COCHRAN,
SLADE GORTON,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY E. CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
PATTY MURRAY,
HERB KOHL,
BYRON L. DORGAN,
DANIEL INOUYE,
Managers on the Part of the Senate.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 1999

Mrs. KELLY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2392

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 Innovation Research Program Reauthorization Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982 and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this section referred to as the ''SBIR program'') is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of this Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 3. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

''(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2007.''.

SEC. 4. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking ''and the Committee on Small Business of the House of Representatives'' and inserting '', and to the Committee on Science and the Committee on Small Business of the House of Representatives,''.

SEC. 5. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 6. RIGHTS TO DATA.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(3) ADDITIONAL MODIFICATIONS.—Not later than 90 days after the enactment of the Small Business Innovation Research Program Reauthorization Act of 1999, the Administrator shall modify the policy directives issued pursuant to this subsection to clarify that the rights provided for under subparagraph (2)(A) of this subsection apply to all Federal funding awards falling under the definitions of 'first phase', 'second phase', or 'third phase', as specified in subsection (e)(4).''.

SEC. 7. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to ask my colleagues to support H.R. 2392, the Small Business Innovation and Research Program Reauthorization Act of 1999. The Small Business Innovation and Research Program was established in 1982 as a vehicle for helping give small businesses the most dynamic and innovative segment of our economy access to millions of dollars of Federal research and development funds.

The SBIR program operates at every Federal agency with an extramural research budget of more than $100 million and offers funding to small businesses in three phases: phase one, the initial research and development; phase two, continuing research for the most promising projects; and, phase three, the final assistance for moving technologies to the Federal procurement marketplace and to the private sector.

The result has been an unqualified success. Small businesses given access to these Federal dollars have created exciting new technologies, created new jobs along with them, and helped expand their business and our economy.

Let me give my colleagues just one example. PCA, Incorporated, a small company in New York, has developed, through the SBIR program, new quality-assurance software that is being used in almost every system at the Department of Defense. This innovative software allows our armed forces to debug the software and check the metrics in every software system they have from the on-board systems in an F–16 fighter to the navigation systems in all of the Navy's attack submarines, new technology that will enable the Navy to protect our country.

That is the SBIR program, harnessing the entrepreneurial spirit and technological skill of small business and putting it to work in defense, medicine, and commerce.

Let me briefly describe the provisions of H.R. 2392. It has 10 provisions, not including the short title. Section 2 of H.R. 2392 expresses the sense of Congress regarding the overwhelming success of the SBIR program.

Section 3 will authorize the SBIR program for 7 years.

Section 4 includes the Committee on Science in certain reporting requirements regarding the SBIR program.

Section 5 clarifies the funding requirements for third-phase participation in the SBIR program.

Section 6 requires the SBA to clarify, through policy directives, the rights and technical data that are granted to SBIR awardees.

Section 7 requires that agencies participating in SBIR include the program in their annual performance plans.

Sections 8 through 11 are new provisions, added with the bipartisan cooperation and assistance of our colleagues at the Committee on Science.

Section 8 provides for the creation of a database to compile information on the project's funding through the SBIR program. It also contains technical corrections to improve the data collection currently required by the program.

Section 9 authorizes the SBA to issue new policy directives to SBIR program managers at the various Federal agencies. These new directives would allow them to increase under certain situations the funding levels provided to small businesses in phase 2 of SBIR.

Section 10 will require SBIR to phase 2 award winners to file a commercial plan detailing their marketing strategies and plans for the new technologies they are developing.

Finally, section 11 of H.R. 2392 will authorize the National Research Council, in consultation with the SBA Office of Advocacy and other interested parties, to conduct a comprehensive study of the SBIR program.

Mr. Speaker, these are all simple, common sense improvements to a successful program with strong congressional support. This support is exemplified by H.R. 2392's 7-year reauthorization, which is a serious commitment to this program.

The Committee on Small Business believes that this extended authorization will allow SBIR program managers to plan for future years' activities without concern over the status of the program.

In closing, let me urge all of my colleagues to support H.R. 2392 and the SBIR program. This is an outstanding program which enables small businesses to contribute to our economy, health, and national defense. It deserves our continued support and this reauthorization.

Madam Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we will be considering H.R. 2392, the Small Business Innovation Research Act of 1999, SBIR. One of the most important jobs for us serving on the Committee on Small Business is to provide small businesses with every opportunity to succeed. This bipartisan piece of legislation does just that. It levels the playing field for small businesses engaging in research and development, providing them with the tools they need to succeed in today's technologically intensive market.

America is currently experiencing one of the longest periods of economic

growth in its history. One of the biggest reasons for this unparalleled economic growth is the innovation and technological advances made by our small businesses. Our small entrepreneurs have always been at the forefront of technological research and innovation. There are many reasons for this, ranging from lower costs, greater flexibility, and closer contact with customers to a greater willingness to engage in high-risk research and development products.

Despite their remarkable track record, however, small firms often lack the capital or the access to the Federal research and development budgets they need to transform a great idea into a commercial success.

To strengthen and expand the competitiveness of U.S. small business technology in the Federal marketplace, a Democratic Congress established the Small Business Innovation Research Program in 1982. The goal of the SBIR program is to strengthen the role of small innovative firms in federally funded research and development.

Under this program, Federal agencies with extramural research budgets in excess of $100 million per year set aside a small part of their R&D budget, currently 2.5 percent, for innovative small firms. SBIR provides an information pipeline to the high technology small business community, and gives small businesses an unrivaled opportunity to produce cutting-edge research and development and take their findings to the marketplace.

Comparatively, this is a small amount. Since its inception, the SBIR program has a proven record of bringing high-quality products and services to the market.

One of the most important areas SBIR has helped is in the war against cancer by providing breakthroughs in the areas of medicine, pharmaceuticals, and the environment.

For example, through R&D funds from the National Cancer Institute facilitated by the SBIR program, GMA Industries has engaged in several projects that have led to technological innovations resulting in lower costs that are significantly under industry norms for document imaging and capture and database development.

Additionally, thanks to this program, jobs have been created, the economy has grown and America has remained at the forefront of innovation.

INC Magazine has even called the SBIR program the most important piece of small business legislation yet enacted in our lifetime.

Small businesses may not have the huge budgets that some larger firms have, but what they lack in size they make up in ideas.

What this program does is level the playing field. This program gives most of those with the ideas, but lacking resources, an opportunity to develop their innovations.

□ 1500

It makes sure that those ideas are looked at and funded. SBIR and its participants keep this Nation ahead of the curve and ahead of the world.

As a testament to its success, SBIR has been modeled and copied by several countries around the world. Representatives from the governments throughout the world come here to study this program so they can implement it back to their own countries.

The legislation we have before us today will reauthorize SBIR for 7 years and make some minor technical changes. Even though authorization does not lapse until October of 2000, it is critical that we act, Madam Speaker, now so that participating agencies are able to properly develop guidelines and assess their research needs to ensure that America's cutting edge firms continue to have opportunities available to them.

The other changes made by this legislation will allow small firms to continue research on marketable ideas developed under their grant, providing them with the continuity that firms working on research and development need.

The SBIR program has proven to be an essential element for our Nation's growing technological sectors. Both sides have worked closely on this issue because both sides agree that this is an essential program for the success of small firms.

I urge by colleagues to cast a ''yes'' vote on this bipartisan piece of legislation that will ensure our small firms having a level playing field in the high technology market.

I would like to thank the gentleman from Missouri (Mr. TALENT), chairman, and the gentlewoman from New York (Ms. VELÁZQUEZ), ranking member, for their tenacity in bringing this bipartisan bill to us.

Madam Speaker, I reserve the balance of my time.

Mrs. KELLY. Madam Speaker, I have no speakers at this time, and I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAFALCE), the former ranking member on the Committee on Small Business.

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

Mr. LAFALCE. Madam Speaker, I am especially pleased to rise today in support of H.R. 2392, the bill reauthorizing the Small Business Innovation Research Program. This bill is particularly meaningful for me for, about 17 years ago, I authored and managed floor consideration of the bill that created the SBIR program. We were on the House floor in a hotly contested issue at that time for 3 days. But with the help of Members from both sides of the aisle, the small business community won a major victory.

The purpose of the SBIR program was and is to strengthen the role of the small innovative firms in federally funded research and development and to utilize Federal research and development as a base for technological innovation to meet agency needs and to contribute to the growth and strength of our Nation's economy.

We can look back with great pride in what we accomplished over the past 17 years because the SBIR program, during that period, has established itself as perhaps the most effective technology program in the Federal Government. Study after study by the GAO and SBA show that this program has generated a remarkable amount of innovation by small companies.

According to an April 1998 GAO study, nearly 50 percent of SBIR research is commercialized or receives additional research and development funding. That is a very competitive success rate. It is also a great example of Federal agencies working together with small businesses to develop technologies to solve specific problems and fill procurement needs in a cost effective way.

But the significance of the program transcends the small business community and the Federal R&D effort. It goes to the much larger issue of long-term economic growth in our country. In the effort to continue long-term growth, nothing is more important than new technology. According to growth accounting studies, technological advances account for nearly 50 percent of the growth in GNP per person.

In short, the SBIR program creates jobs, increases our capacity for technological innovation, and boosts our international competitiveness. It certainly should be reauthorized.

Mrs. KELLY. Madam Speaker, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I thank the gentlewoman from New York for yielding me the time, and I thank her for her work on this legislation and her work on the Committee on Small Business. I also thank the ranking member of the committee.

Madam Speaker, today I rise in support of H.R. 2392. This is a bill to reauthorize the Small Business Innovation Research Program called SBIR. The SBIR program expires on September 30 of next year.

Now, within H.R. 2392, the Small Business Technology Transfer will be reauthorized at its current set-aside level through fiscal year 2006.

My Subcommittee on Technology of the Committee on Science held a hearing on SBIR this past summer. I am pleased that provisions worked on by the committee have been incorporated into H.R. 2392.

So on behalf of the Committee on Science, the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Texas (Mr. HALL), the ranking member, as well as the gentleman from Michigan (Mr. BARCIA), ranking member of the Subcommittee on Technology, and myself, I want to thank the gentleman from Missouri

(Mr. TALENT), chairman of the Committee on Small Business, and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for the effective and bipartisan work that was done by both the Committee on Science and the Committee on Small Businesses.

H.R. 2392 requires any small business that applies for a Phase II award submit a commercialization plan with their application. The plan is not intended to be submitted separate from the proposal, nor is it to be as elaborate as a formal business plan. It is merely to ensure that the small business has thought through the commercialization process, whether it ends up on the marketplace shelves or is procured by the funding agency.

It should be noted that any work done under SBIR for agency mission purposes would be considered commercialization and would require a commercialization plan under this provision.

H.R. 2392 also includes a comprehensive study and review of the current operation and functions of the SBIR program. Aside from GAO reports on the SBIR program, very little outside academic review has been published about the program.

SBIR is a very important tool of innovation within the small business community, and its impact in developing leading-edge technology is well documented through success stories shared with both committees.

However, the study required in this legislation is an attempt to investigate SBIR's impact by looking at how it stimulated the technological innovation of small businesses and has assisted small businesses in meeting the research and development needs of the participating agencies.

These are primary goals of the SBIR program, and by conducting a comprehensive study, Congress will be better able to understand how the program is advancing them.

Also included in the legislation is a requirement that the Small Business Administration keep an up-to-date database on SBIR awards. The database is intended solely for purposes of evaluation. It asks that the basic information needed to evaluate the SBIR program be kept in an electronic format.

There has been some concern that keeping commercialization statistics will not reflect the program's true record of success because it will unfairly include those projects that are not geared toward commercialization but still within the mission of SBIR such as research development.

This is remedied within the database itself. For instance, the government database requires that each second phase award contain information on the revenue generated by that product or service unless it is a research or research development service. Such a distinction can be made at the time the information is input into the system, thus avoiding unfair evaluation of those awards.

Madam Speaker, H.R. 2392 is a bill that continues the success of SBIR and provides for some important reforms to improve this worthwhile program. I urge my colleagues to support its passage.

Ms. MILLENDER-MCDONALD. Madam Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Madam Speaker, I rise today in support of H.R. 2392, the Small Business Innovative Research Program Reauthorization. I want to take this opportunity to commend my colleagues, the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentlewoman from New York (Mrs. KELLY), the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking member, and the gentleman from Missouri (Mr. TALENT) for their hard work and leadership on our committee.

The SBIR research program is one of the most effective and successful technology programs for entrepreneurs. Today's vote will take us one step closer to extending the program for another 7 years.

Without research and development budgets, small businesses rely on the SBIR program to help them fund important innovative research and development. As a member of the Committee on Small Business and ranking member on the Subcommittee on Rural Enterprises, Business Opportunities and Special Small Business Problems, it is my priority to ensure that small businesses continue to have every opportunity to succeed and that our government is a partner in that endeavor. An important part of this effort is the continued funding of SBIR.

Agency programs report that SBIR awards are much more likely to result in commercial products than other government-funded programs. In addition, approximately 12 percent of the SBIR awards made under the program are given to minority and disadvantaged businesses. This translates into over $850 million since the program began, providing real opportunities for many businesses that might not otherwise have this funding.

As we have seen with companies such as Microsoft and others, small businesses provide the innovation that makes this country the leader in technological advances. SBIR has helped companies create innovations in medical and pharmaceutical research to fight cancer and other diseases. These advances have not only enhanced business performance domestically and helped companies increase their export sales, but they have helped countless individuals and their families to live healthier, longer, and better lives.

SBIR is a win-win situation. I am pleased to support H.R. 2392 through which Congress would do more to ensure that valuable research dollars continue to be available to small businesses, and I ask for the support of my colleagues.

Ms. MILLENDER-MCDONALD. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, a little while ago in a major address, Alan Greenspan credited our Nation's productivity advances as a major contributor of the Nation's phenomenal economic performance. Booming economic growth without inflation is impossible to sustain without productivity gains. At the center of productivity is new superior technology. Technological advances accounts for nearly 50 percent of growth in GNP per person employed. It is small businesses that deliver new innovations more effectively and efficiently.

The National Science Foundation found, for example, that the cost of R&D is significantly lower in small firms than in large ones. Another series of studies found that small firms are more innovative per dollar or per employee than other R&D sources. Simply put, Madam Speaker, the taxpayer gets more bang for his or her bucks when small dynamic companies do the job.

This should not surprise us, Madam Speaker. The SBIR program is one of the most competitive programs there is for research. The Federal managers for the program have told us that the research done is at least as good as and in some cases superior to the research they would get from traditional sources and that SBIR awards are much more likely to result in commercial products than other government-funded R&D.

□ 1515

During our hearings we discovered that the private sector awards of R&D to small businesses in the marketplace has indeed been growing at a rapid pace.

Finally, Madam Speaker, the Small Business Development Innovation Research Program, created 18 years ago, has remained one of the most effective technology programs in the Federal Government. Repeatedly studied by GAO, the SBA, and individual Federal agencies, the program has shown strong performance and has given remarkable impetus to the technological innovation that feeds growth. Its purpose remains meeting the Federal Government's research and development needs, and no one can question that it does just that.

I do urge my colleagues to vote in favor of this important bipartisan piece of legislation that allows our Nation's most innovative small firms to have a level playing field in this highly competitive market. It is to all America's benefit to see our small businesses succeed, because they are a driving force in our economy.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. KELLY. Madam Speaker, I yield myself such time as I may consume.

In closing, Madam Speaker, I would like to thank the chairman of the Committee on Small Business, the gentleman from Missouri (Mr. TALENT). I would also like to thank the committee's ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ). And I would also like to thank the gentlewoman from California, the chairman, and ranking members of the Committee on Science and the committee staffs of both committees who have worked on this piece of legislation.

Mr. UDALL of Colorado. Madam Speaker, I rise in support of H.R. 2392, the Small Business Innovation Research Program Authorization of 1999 and urge its adoption.

The SBIR program was established by the Small Business Innovation Development Act in 1982, based on a successful pilot program at the National Science Foundation. Today's vote takes us one step closer to extending this valuable program for another 7 years.

Mr. Speaker, Colorado is home to many cutting-edge small businesses. As creative as these companies are, they often struggle to come up with the funds necessary to refine their ideas, turn them into products, and to take those products to the commercial marketplace. Along the Front Range of Colorado we have experienced tremendous growth in high-tech businesses during the last decade. I feel that the tremendous high-tech growth we have enjoyed can be directly traced to the hundreds of SBIR recipients working in our region.

The Small Business Innovation Research Program has filled a real need for these companies over the years. Although the main purpose of the program remains meeting the federal government's research and development needs, small businesses have turned SBIR-inspired research into commercial products that have improved our economy and scientific advances that have helped to improve the health of people everywhere.

We have made some improvements in the bill as introduced which are supported by the National Venture Capital Association. Venture capitalists have told us that they look at the quality of the management team as much or more than the quality of the product to be commercialized when funding a start-up company. They feel there is much more to commercial success than a great idea. This is why H.R. 2392 asks each Phase II applicant to submit a commercialization plan to show that in addition to thinking through what it will take to achieve technological success, each Phase II awardee is planning for commercial success as well. If the company plans to license a successful technology, the plan will need to describe how it plans to locate the licensee and get the technology to the point where it meets the licensee's needs. If the company plans to do its own manufacturing, the plan should describe the steps the company will take to acquire manufacturing expertise. These plans are not meant to be long, exhaustive, or burdensome to the companies. Rather, they are just meant to show that commercialization is being taken seriously and that there is a good chance the product developed under SBIR will penetrate intended markets. Of course, if the problem being addressed is unique to the government, the company's commercialization plan should be geared to penetrating the federal procurement system or otherwise meeting the needs of the government customer.

Madam Speaker, the SBIR program simply seeks to level the playing field for small businesses. Small businesses might not have the colossal R&D departments that some larger businesses have, but they do have the colossal ideas. SBIR makes sure those ideas are looked at and funded. I urge my colleagues to vote ''yes'' on extending this important program.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to strongly support this measure. As Calvin Coolidge once wrote, ''The chief business of the American people is business.'' I wholeheartedly agree. But we must acknowledge that all sectors of our society must have equal access to the business world, not just big businesses. To achieve such a goal, it is vitally important that we provide opportunities for small, minority-owned, and women-owned businesses.

This bill reauthorizes the Small Business Innovation Research Program, SBIR, a program that assists small businesses in obtaining federal research and development funding. This program also was formed to bolster the involvement of minority and disadvantaged persons in technological innovation and to help small businesses meet federal research and development needs.

I have always been an advocate of small business opportunities for minority and disadvantaged persons in technological innovation. In an effort to provide even greater opportunities, I sponsored an amendment that passed in the House that incorporated Historically Black Colleges and Universities and Hispanic Serving Institutions in the language of the FAA Authorization Act of 1997. This amendment targeted research at institutions that involved undergraduates in their research on subjects of relevance to the FAA.

Almost four million Texans work in businesses with less than 500 employees, generating a total payroll of about $100 billion a year. This sector of business is growing. From 1992 to 1996, small businesses have added 162,201 new jobs. In 1998, Texas businesses with less than 100 employees employed 42.4 percent of the Texas, non-farm workforce, up from 40.6 percent in 1996. Small and medium businesses account for more than 67 percent of the Texas workforce.

Minority-owned businesses are another fast growing segment of the business world. In 1997, our nation's more than 3.2 million minority-owned businesses generated $495 billion in revenues and employed nearly 4 million workers. From 1987 to 1997, the number of minority-owned firms increased 168 percent while their revenues and employees grew nearly twice as fast.

Sadly, minority-owned businesses traditionally have not received a fair share of contracting dollars. In 1996, small disadvantaged businesses had the ability to capture 40.2 percent of the contracting dollars but were actually awarded only 26.4 percent. We must provide more opportunities for these minority-owned businesses.

Women-owned businesses are equally important. As of 1999, there are 9.1 million women-owned businesses in the United States, employing over 27.5 million people and generating over $3.6 trillion in sales. Between 1987 and 1999, the number of women-owned firms increased by 103 percent nationwide, employment increased by 320 percent, and sales grew by 436 percent. As of 1999, women-owned firms accounted for 38 percent of all firms in the United States.

We must assist and advocate small businesses, minority-owned businesses, and women-owned businesses. Not only do these businesses provide jobs for our citizens, but they also bolster our nation's strong economy. To ignore such an important sector of our nation would be a grave misjudgment on our part. For that reason, I urge my colleagues to support this bill.

Mr. SENSENBRENNER. Madam Speaker, I rise today in support of H.R. 2392, a bill to reauthorize the Small Business Innovation Research, SBIR, program through Fiscal Year 2006. As Chairman of the House Science Committee, I am pleased that H.R. 2392 continues to recognize the important role that small businesses play in supporting federal research and development efforts.

SBIR is designed to promote innovation in federal research by increasing the participation of small businesses across the country through a 2.5 percent set-aside of an agency's extramural R&D budget. Currently, 10 federal agencies participate in the SBIR program.

In order to allow H.R. 2392 to move forward expeditiously, the Committee on Small Business agreed to incorporate into the legislation certain provisions authored by the Science Committee. The provisions are of importance to the science community and allow for greater accountability of the multibillion-dollar program.

For example, H.R. 2392 takes important steps to enhance Congressional oversight by requiring each agency that participates in the SBIR program to submit to Congress a performance plan consistent with the Government Performance and Results Act.

Next, the Small Business Administration will be required to maintain an electronic database that will enable Congress, the Administration, and participating agencies to accurately evaluate the program's performance.

In that same light of evaluation, H.R. 2392 calls for the National Research Council to conduct a comprehensive review of the SBIR program. This review follows up on the earlier report done by the NRC at the request of the Science Committee, on how best to evaluate federal research and development. The SBIR study should use that report as its guideline in developing its evaluation methods.

Finally, the bill also allows for awards to exceed the Phase I and Phase II caps on time and duration, provided that the awarding agency justifies such action to the Administration. Preference is to be given to small businesses that have commitments for second and third phase funding from sources outside the SBIR program. This provision improves the program's administrative flexibility.

I would like to thank the Ranking Member of the Science Committee, Mr. HALL, the Chairwoman of the Subcommittee on Technology, Mrs. MORELLA, and the Ranking Member Mr. BARCIA for their work in bringing this bill to the floor. I would also like to thank the Chairman of the Small Business Committee, Mr. TALENT, and Ranking Member Ms. VELÁZQUEZ, for working with the Science Committee.

Madam Speaker, H.R. 2392 is a good bill and I urge all members to support its swift enactment.

Mrs. KELLY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 2392, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. KELLY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2392, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

MAKING IN ORDER ON MONDAY, SEPTEMBER 27, 1999, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

Mr. DREIER. Madam Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Monday, September 27, 1999, to consider the conference report to accompany the bill (H. R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read when called up.

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

There was no objection.

RECOGNIZING THE FOREIGN SERVICE OF THE UNITED STATES ON THE OCCASION OF ITS 75TH ANNIVERSARY

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 168) recognizing the Foreign Service of the United States on the occasion of its 75th Anniversary.

The Clerk read as follows:

H. RES. 168

Whereas the modern Foreign Service of the United States was established 75 years ago on May 24, 1924, with the enactment of the Rogers Act, Public Law 135 of the 68th Congress;

Whereas today some 10,300 men and women serve in the Foreign Service at home and abroad;

Whereas the diplomatic, consular, communications, trade, development, administrative, security, and other functions the men and women of the Foreign Service of the United States perform are crucial to the United States national interest;

Whereas the men and women of the Foreign Service of the United States, as well as their families, are constantly exposed to danger, even in times of peace, and many have died in the service of their country; and

Whereas it is appropriate to recognize the dedication of the men and women of the Foreign Service of the United States and, in particular, to honor those who made the ultimate sacrifice while protecting the interests of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Foreign Service of the United States and its achievements and contributions of the past 75 years;

(2) honors those members of the Foreign Service of the United States who have given their lives in the line of duty; and

(3) commends the generations of men and women who have served or are presently serving in the Foreign Service for their vital service to the Nation.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from Georgia (Ms. MCKINNEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 168.

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

There was no objection.

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

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

Mr. GILMAN. Madam Speaker, today I am pleased to bring before the body House Resolution 168, recognizing the Foreign Service of the United States on the occasion of its 75th anniversary.

Madam Speaker, only when unrest or tragedy strikes abroad do many Americans become aware of the outstanding work of the thousands of men and women who serve in the Foreign Service of our Nation. The Members of the Foreign Service take responsibility for helping Americans in danger. As we found just last summer in Kenya and Tanzania, Foreign Service members and their families sometimes also become the victims of violence, along with other Americans stationed abroad along with their families. We need to do more, and we will do more to protect all the Americans we have asked to work for us overseas.

Indeed, six American ambassadors have been killed abroad over the past 31 years. And many in the rank and file of our Foreign Service and their families have tragically fallen victim to terror or to the more mundane hazards of life abroad in service to their Nation.

Every day these dedicated individuals stand ready to promote the interests of our Nation. They do this by carrying out tasks such as protecting the property of an American who dies overseas, reporting on political developments, screening potential entrants to the United States, promoting the sale of American goods, or securing American personnel and facilities overseas. They and their families often live in dangerous environments and are often separated from their extended families and friends.

At home, the men and women of the Foreign Service perform essential functions in the Departments of State, Commerce, and Agriculture, in the United States Information Agency, and in the Agency for International Development. Our modern Foreign Service was established by the Rogers Act of 1924. We are now celebrating its 75th anniversary year of its enactment. It is all together befitting at this time to congratulate the men and women of the Foreign Service and to commemorate the significant sacrifices they have made in the service of our Nation.

Let me note that I appreciate the support of the cosponsors of this resolution, the gentleman from Connecticut (Mr. GEJDENSON), the ranking Democrat on our committee, and the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Accordingly, Madam Speaker, I urge my colleagues to join with me in voting for this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. MCKINNEY. Madam Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

I would like to take this moment to personally thank the brave men and women who represent us on the front lines in our embassies and posts around the world and who, if particularly lucky and gifted, can climb their way to our most senior diplomatic posts in the State Department or in the White House.

Additionally, we have seen that, increasingly, to join the Foreign Service means a willingness to put one's life on the line in service to our country, because of the proliferation of weapons of mass destruction, individuals who disagree with our policy, or just plain madmen with a means to destroy. I commend all these individuals who care enough about the world and our place in it that they are willing to serve in posts from Australia to Zanzibar representing our country's interests.

Unfortunately, though, while I intend to vote for this measure, I chose not to cosponsor it because I requested that language regarding the treatment of black and minority Foreign Service officers be included in the bill. It is important to recognize how far we have come and to celebrate the good things; however, we should never purposely omit critical information about challenges yet unmet.

First of all, I can understand why Madeleine Albright's State Department would not want any mention of how minorities are faring in her State Department. A description in one word would be, poorly. After choosing to use scarce resources to fight rather than settle a lawsuit filed by black Foreign Service officers, the State Department has still not admitted having discriminated against black Foreign Service officers. At least the Department of Agriculture admitted having discriminated against black and minority farmers. I am saddened that Madeleine Albright's State Department will not admit such behavior.

Yet, after its reorganization, the State Department will have to contend with two additional lawsuits filed by African Americans against the United States Information Agency and the Voice of America. These two lawsuits, Brown versus Duffey/USIA and Dandridge versus USIA, are representative of the paucity of the presence of black men and, moreover, their treatment once employed by the Voice of America. Dandridge versus USIA is still pending before the EEOC and also addresses the disparity of treatment in hiring and appropriations by Voice of America toward African American male employees.

Words cannot express how deeply saddened I am by this state of affairs. Everyone knows that women interested in international service had to file a lawsuit against the Government in order to get fair representation in the Foreign Service. After that lawsuit, the numbers of women rapidly improved, and we all worked hard to get Madeleine Albright into her historic position. Yet a woman, in charge of the State Department, is stalling on this important area of bringing minority representation up to where it should be.

America's foreign policy apparatus is supposed to discriminate against no one. That is why women from across this country filed two lawsuits, the now famous original Hartman case and the appellate Palmer case. The State Department has responded to the Hartman lawsuit, and now it has really improved the numbers of white women represented at all levels.

However, when one looks at the State Department's own numbers for their absorption of minorities into the Foreign Service, the shocking fact is that Latinos, Asian Americans, and Native Americans are grossly underrepresented. And despite having filed a lawsuit, as white women did, black Foreign Service officers did not even get fair treatment with their lawsuit, with Madeleine Albright fighting it tooth and nail. Even as late as last year, yet another lawsuit has been filed against Madeleine Albright's Department of State. We have too few minorities serving right now as either ambassadors or deputy chiefs of mission.

Additionally, the seventh floor of the State Department building, from which this country's foreign policy is run, has historically, never, itself, had more than token minority representation. We have had precious few minorities in deputy assistant or assistant secretary positions. We have never had a minority serve as an under secretary or even as the public affairs spokesperson for the Department.

Finally, Madam Speaker, I recently accompanied the President on his trip to the United Nations. On that plane, with dozens of foreign policy advisers, the State Department had not one minority accompanying the President. Is this the picture that we really want to paint to an increasingly shrinking world, that we are not willing to accept the best and brightest among our own citizens, even if they happen to be minorities?

I join my colleagues in recognizing the Foreign Service for achieving 75 years of service this year. However, I also recognize that the State Department has a long way to go before it sheds its nickname, ''the last plantation.'' And at the rate it is going, it will be a long time indeed. Madam Speaker, I continue to be ready to work with the State Department to improve the figures that are submitted for the RECORD as follows:

DIVERSITY FACT SHEET—DEPARTMENT OF STATE

Overall, African American men and women are 22.8% of the Department of State's workforce. While on the surface, this looks good, as always, the devil is in the details:

46% of all African Americans employed at the Department of State are concentrated in the lowest GS levels in the Department of State. Of the 3,466 African American men and women employed at the Department of State, 1,588 hold the positions of GS 10 to GS 2. These are certainly not the policy making positions within the Department of State.

Hispanics, Native Americans and Asians are worse off: Hispanics make up 3.9% of the overall Department of State workforce; Native Americans make up ½% of the workforce; and, Asians are 3.4% of the workforce. Thus, the numbers are even smaller when looking at the Foreign Service.

African Americans only hold 5% of White Collar jobs—management, policy and leadership positions. Hispanics hold 6.3% of all DOS white collar jobs; Native Americans hold 1% of DOS white collar jobs; and Asians hold 4.8% of all DOS white collar jobs.

The pattern is consistent: The higher up in DOS management you go, the less likely you are to find minorities, including women.

As late as January 20, 1998, law suits have continued to be filed against the Department of State. Michael T. Johnson v. Madeleine Albright, Secretary of State, U.S. Department of State was filed on behalf of African American males complaining of employment discrimination.

''The Thomas Case'' was filed on behalf of African American Foreign Service officers, and accused the Department of State of racial bias in hiring and promotions. The law suit was settled by a consent decree and DOS is currently implementing the details of the consent decree. In settling in this manner, DOS did not admit discriminating against black FSO and admitted no wrongdoing of any type in their hiring and/or promotional practice as related to African American DOS employees.

James A. Baker, III, Secretary of State, U.S. Department of State, also known as ''The Hartman Case'' (Carolee Brady Hartman v. U.S. Department of State) filed, on behalf of women Foreign Service officers, has been in litigation and various stages of settlement since 1977.

''The Palmer Case'' (Allison Palmer, et. al., v. James A. Baker, III, Secretary of State), also fought by the Department of State, noted that while women needed to prove further allegations of discrimination in promotions, the information provided to the court by the Department of State, did not successfully rebut evidence of promotion discrimination by DOS based on sex.

Voice of America has 2 law suits alleging discrimination in hiring and promotions. Brown v. Duffey/USIA, was filed on behalf of U.S. born African Americans alleging discrimination at VOA. This case is in the process of being settled.

Dandridge v. USIA was filed on behalf of 9 African American employees and has not been certified as a class action lawsuit. It is currently pending before EEOC with no action taken thus-far-to-date by EEOC.

TABLE 2.—RACE/NATIONAL ORIGIN DISTRIBUTION OF FEDERAL CIVILIAN EMPLOYMENT BY PAYPLAN AND GRADE AS OF SEPTEMBER 30, 1996; MEN AND WOMEN COMBINED

Agency—Department of State—pay plan and grade	Total number	Total minorities		Blacks		Hispanics		Asian or Pacific Islander		American Indian or Alaskan Native		Whites	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total, all pay plans	15176	3466	22.8	2288	15.1	598	3.9	511	3.4	69	.5	1171.0	77.2
Total GS and related	13617	3246	23.8	2163	15.9	543	4.0	477	3.5	63	.5	1037.1	76.2
GS–02	17	9	52.9	8	47.1	1	5.9	.....	.....	.....	.....	8	47.1
GS–03	61	26	42.6	21	34.4	3	4.9	2	3.3	.....	.....	3.5	57.4
GS–04	194	110	56.7	82	42.3	13	6.7	12	6.2	3	1.5	8.4	43.4
GS–05	224	114	50.9	99	44.2	8	3.6	7	3.1	.....	.....	11.0	49.1
GS–06	242	166	68.6	146	60.3	7	2.9	10	4.1	3	1.2	7.6	31.4
GS–07	1052	419	39.8	343	32.6	30	2.9	43	4.1	3	.3	63.3	60.2
GS–08	862	297	34.5	225	26.1	39	4.5	30	3.5	3	.3	56.5	65.5
GS–09	1385	414	29.9	283	20.4	59	4.3	63	4.5	9	.6	97.1	70.1
GS–10	56	33	58.9	28	50.0	5	8.9	.....	.....	.....	.....	2.3	41.1
GS–11	2415	463	19.2	259	10.7	103	4.3	92	3.8	9	.4	195.2	80.8
GS–12	2501	511	20.4	316	12.6	99	4.0	86	3.4	10	.4	199.0	79.6
GS–13	789	175	22.2	128	16.2	24	3.0	20	2.5	3	.4	61.4	77.8
GS–14	2294	333	14.5	148	8.5	84	3.7	86	3.7	15	.7	196.1	85.5
GS–15	1525	176	11.5	77	5.0	68	4.5	26	1.7	5	.3	134.9	88.5
Average grade	11.2	9.9	.....	8.4	.....	11.2	.....	10.8	.....	11.1	.....	11.6	.....
Senior pay levels	965	76	7.9	49	5.1	17	1.8	9	.9	1	.1	88.9	92.1

TABLE 2.—RACE/NATIONAL ORIGIN DISTRIBUTION OF FEDERAL CIVILIAN EMPLOYMENT BY PAYPLAN AND GRADE AS OF SEPTEMBER 30, 1996; MEN AND WOMEN COMBINED—Continued

Agency—Department of State—pay plan and grade	Total number	Total minorities		Blacks		Hispanics		Asian or Pacific Islander		American Indian or Alaskan Native		Whites	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Other white collar	522	89	17.0	26	5.0	33	6.3	25	4.8	5	1.0	43.3	83.0
Total wage systems	72	55	76.4	50	69.4	5	6.9	.....	.....	.....	.....	1.1	23.6

*Less than 0.05 percent.

APPENDIX I.—TABLES SHOWING REPRESENTATION LEVELS AND PROGRESS MADE BY SPECIFIC EEO GROUPS AT FOUR AGENCIES

Grade level	Number			Percent			Relative number		
	1984	1992	Change	1984	1992	Change	1984	1992	Change
Asian men	13	31	18	0.56	1.30	2.32	0.68	1.83	2.69
Asian women	8	19	11	0.35	0.80	2.29	0.42	1.12	2.67
Native American men	4	11	7	0.17	0.46	2.71	0.21	0.65	3.10
Native American women	0	2	2	0.00	0.08	([b])	0.00	0.12	([b])
Total ([a])	2,306	2,388	82	100.00	99.99	.....	.....	.....	.....

[a] Percentages may not add to 100 due to rounding.
[b] The amount of change (increase or decrease) cannot be computed because there was no one (0.00) in that EEO group at that grade level in the base year (1984).
Source: OPM's CPDF.

Madam Speaker, I urge my colleagues to support this resolution, and I urge the State Department to change its ways.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. MCKINNEY. Madam Speaker, I yield 30 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Madam Speaker, I thank the gentlewoman for yielding me this time, and I join the gentlewoman and the chairman of the committee in urging Members to support this legislation recognizing the Foreign Service of the United States on the occasion of its 75th anniversary.

As one who benefits from the foreign service by rather extensive travel, pursuant to duties on the Committee on International Relations and now the Permanent Select Committee on Intelligence, I, for one, am grateful to the employees around the world.

I would like to associate myself, however, with the remarks of the gentlewoman with reference to the need for increased minority hiring. That is a must and it simply must be done; and 75 years will not account for how long it should take.

Expediting businesspersons, expediting Congress people, expediting the military, all of these are some of the duties that Foreign Service officers in this country and for this country perform. I, for one, rather than just stand here and compliment them, I would like to see to it that their pay, their pensions, and the facilities they work in meet the requirements of a Nation that has the standing that we do in the world.

Ms. JACKSON-LEE of Texas. Madam Speaker, diplomacy is an instrument of power, essential for maintaining effective international relationships. It is a principal means through which the United States defends its interests, responds to crises, and achieves its international goals. The Department of State is the lead institution for the conduct of American diplomacy; a mission based on the role of the Secretary of State as the President's principal foreign policy adviser. The oil, which makes this machine run so well, is the Foreign Service.

Madam Speaker I rise in support of H. Res. 168. This resolution expresses the sense of the House of Representatives recognizing the Foreign Service of the United States and its achievements and contributions of the past 75 years. Without these foot soldiers of diplomacy the United States' interests around the world would certainly not be advanced.

This resolution is fitting because it honors those members of the foreign service who have given their lives in service of this nation. We cannot afford to forget those men and women who have died in the line of duty in places like Kenya and Tanzania. Since its establishment, the Secretary of State has commemorated 186 American diplomats who have died in the line of duty. Likewise we cannot afford to forget the generations of men and women who have served or are presently serving this nation with vital contributions to the nation.

Among the services provided by the Foreign Service are the following:

Leads representation of the United States overseas and advocates U.S. policies for foreign governments and international organizations.

Coordinates and provides support for the international activities of U.S. agencies, official visits, and other diplomatic missions.

Conducts negotiations, concludes agreements, and supports U.S. participation in international negotiations of all types.

Coordinates and manages U.S. Government response to international crises of all types.

Assists U.S. business and protects and aids American citizens living or traveling abroad.

This resolution marks and commends the 75 years of service, which the Foreign Service has given to our nation. To the men and women of the Foreign Service, I commend you for your hard work, dedication, and distinguished service to the nation and I thank you and your family for all of the sacrifices you have made in the name of this country.

I urge my colleagues to overwhelmingly support this House Resolution.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support of H. Res. 168, a resolution honoring the United States Foreign Service on the occasion of its 75th anniversary. The significance of the contribution of the Foreign Service to the security and well-being of the United States cannot be overstated. Foreign Service Officers are literally on the front line of the struggle to protect our country's values, ideals, prosperity, and security. Scores of American diplomats have made the ultimate sacrifice for their country as was tragically demonstrated most recently in the terrible toll taken by the terrorist bombings in Nairobi and Dar Es Salaam. American diplomats today are every bit as vulnerable as members of the Armed Forces, and they are far more vulnerable to directed acts of terrorism. They deserve all the protection we can possibly provide.

In this context, this Member has been disturbed by the Administration's rather tepid response to the Crowe Commission report on embassy security. The Crowe Commission, this Member will remind his colleagues, called for $1.4 billion in embassy security assistance each year for 10 years. Clearly, the United States has been remiss for many years in not taking stronger action to protect its diplomats and facilities abroad from terrorist attack. This body must do everything possible to rectify this problem as soon as possible, and adhering to the Crowe Commission guidelines is an important first step.

Madam Speaker, this Member would like to offer my warm congratulations to each and every Foreign Service Officer. This Member would note that the Pearson Fellowship program, which provides outstanding young Foreign Service Officers will temporary assignment to the legislative branch, has been a particularly effective tool to help this body better understand U.S. foreign policy.

Madam Speaker, this Member urges strong support for H. Res. 168.

□ 1530

Ms. MCKINNEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 168.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT HAITI SHOULD CONDUCT FREE, FAIR, TRANSPARENT, AND PEACEFUL ELECTIONS

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 140) expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 140

Whereas René Preval was elected president of Haiti on December 17, 1995, and inaugurated on February 7, 1996;

Whereas a political impasse between President Preval and the Haitian Parliament over the past 2 years has stalled democratic development and contributed to the Haitian people's political disillusionment;

Whereas Haiti's economic development is stagnant, living conditions are deplorable, and democratic institutions have yet to become effective;

Whereas Haiti's political leaders propose free, fair, and transparent elections for local and national legislative bodies; and

Whereas Haiti's new independent Provisional Electoral Council has scheduled those elections for November and December 1999: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the provisional Electoral Council of Haiti for its decision to hold elections for 19 senate seats, providing for a transparent resolution of the disputed 1997 elections;

(2) urges the Government of Haiti to actively engage in dialogue with all elements of Haitian society to further a self-sustainable democracy;

(3) encourages the Government and all political parties in Haiti to proceed toward conducting free, fair, transparent, and peaceful elections as scheduled, in the presence of domestic and international observers, without pressure or interference;

(4) urges the Clinton Administration and the international community to continue to play a positive role in Haiti's economic and political development;

(5) urges the United Nations to provide appropriate technical support for the elections and to maximize the use of United Nations civilian police monitors of the CIVPOL mission during the election period;

(6) encourages the Clinton Administration and the international community to provide all appropriate assistance for the coming elections;

(7) encourages the Government of Haiti to adopt adequate security measures in preparation for the proposed elections;

(8) urges all elements of Haitian civil society, including the political leaders of Haiti, to publicly renounce violence and promote a climate of security; and

(9) urges the United States and other members of the international community to continue support toward a lasting and committed transition to democracy in Haiti.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

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

Mr. GILMAN. Madam Speaker, I rise in support of H. Con. Res. 140.

When we marked up this resolution in the Committee on International Relations, our main concern was that free and fair elections be held to meet the constitutional deadline of January 10 for installing a newly elected legislature. As matters now stand, this apparently will not happen. Although Haitian President Rene Preval cites concerns over the feasibility of the Provisional Electoral Council's calendar, he has in fact been delaying these critically important elections.

As long as there is an opportunity that Haiti can hold genuinely pluralistic elections, we should, as this resolution urges, be supportive. For example, because there is a politically diverse Provisional Electoral Council, a significant sector of the opposition favors elections for parliament and for local officials. I note, however, a disturbing absence of high-level attention in the White House and in the State Department to the unfolding electoral situation in Haiti. Our ambassador, Timothy Carney, deserves high level support from our administration.

I am deeply concerned by the serious problems that threaten these elections. President Preval failed to see that the elections were held last year, and this summer failed to sign the critically important electoral law for 1 month. And now President Preval has become hostile to the Electoral Council that he appointed.

As the election in Haiti nears, street violence threatens freedom of assembly and freedom of speech and may threaten the elections as well. Former President Aristide's Lavalas Family party has fomented recent violent disturbances, including an attack on a peaceful rally organized by business, religious and civic groups in Port-Au-Prince on May 31.

Rising common crime and specific acts of violence have awakened broad concerns regarding public safety. Most recently, on September 4, an explosive device was thrown at the Chamber of Commerce the day after the Chamber issued a call for nonviolence. And on September 5, shots were fired at an opposition leader by a trained gunman. Shots were also recently fired in front of an Electoral Council magistrate's home.

The Haitian National Police has yet to develop and make public a comprehensive plan to provide security during the forthcoming election. The Electoral Council faces significant logistical hurdles to provide critically important voter identification cards and to be able to meet the tight electoral calendar that it has established.

When I concurred with releasing funds to support these elections, it was with the understanding that if Haiti backs away from the transparent settlement of the disputed 1997 elections, or if the Provisional Electoral Council's independence and credibility by a broad spectrum of political parties is put into question, that U.S. technical assistance should end.

I agree with the administration's efforts to secure a 2- or 3-month extension of the United Nations civilian police monitoring mission in Haiti. The full contingent of civilian police monitors should actively monitor and support the Haitian National Police's security plan for the election. There are a number of additional steps that should also be undertaken.

Foremost, President Preval needs to stop stalling and start supporting the Electoral Council that he appointed. President Preval should also commit to separating the legislative and municipal elections from next year's presidential election. And the Clinton administration must ensure that the election will be properly supported. International contingency plans for supporting logistical aspects of the election may prove to be critically important.

The United States and our allies should act to prevent violent elements in the Lavalas Family party or other violent individuals or groups in Haiti from disrupting or even derailing the election through violence and intimidation. Denial of visas and other steps should be applied.

Also, the Haitian National Police should produce and make public a detailed plan for providing security for the election. The police should follow the Electoral Council's example and invite political party leaders to review and comment on their election security plans.

I want to thank the gentleman from Florida (Mr. HASTINGS), a senior member of our committee, for bringing this resolution to our attention. With these caveats in mind, I support its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

I would, without quarreling, point out that some of the support for the electoral process has been held up by the majority party. The organization that would be in a position to do some of this supporting has not received the fundings that were due them largely in part because of caveats that have been set forth by the majority. While I do not quarrel with the majority's right to do that, then I do not think you ought be heard to complain that certain things are not being done when

moneys were supposed to be appropriated for them to be done and then they are not done. That causes me to have serious concern. And to say that the Clinton administration must properly support the election and then withhold the funds for it to be done is kind of disingenuous, at least in my view.

Additionally, Madam Speaker, I would like to point out to the chairman of the Committee on International Relations that I along with Senator GRAHAM and the special envoy of President Clinton, former Governor Buddy McKay, were in Haiti along with the gentleman from Massachusetts (Mr. DELAHUNT) on a fact-finding mission. Mr. McKay stayed longer than we did because of his duties and went back since that time with reference to ongoing matters as pertains to Haiti. While we were there and upon our return, I felt it necessary to introduce this resolution urging the government of Haiti to conduct free, fair, transparent, and peaceful elections.

Madam Speaker, Haiti's Electoral Council has scheduled parliamentary and local elections for December 16, 1999 and January 19, 2000. Because these elections represent the best chance for Haiti to resolve its political stalemate and proceed with reforms, it is critical that these elections be held as scheduled.

The United States and the international community must assist in maintaining stability and help to strengthen the roots of the rule of law in Haiti. To illustrate our support, we must do the following: provide technical assistance in order to effectively register voters; provide comprehensive aid in developing a security plan where all parties and candidates can campaign freely and without violence; salute the electoral authorities for striving to be fair and judicious; and condemn anyone who attempts to curtail the electoral laws in Haiti.

Free, fair, transparent, and peaceful elections in Haiti are in the best interest of the United States in general and specifically in Florida, my home State. If the United States does not continue its support for Haiti, many Haitians will find themselves again in the dangerous waters en route to our shores. A State whose health and human services budgets are already overburdened, such as my State, cannot stand the weight of further illegal immigration. Moreover, if we are unwilling to pay a small price now, we will, I repeat, we will pay a much greater price later.

Madam Speaker, my resolution is rather simple. It encourages this body to support Haiti's scheduled elections and demands little of us as it refers to expenditures of personnel and resources. Further, it illustrates the importance which the United States emphasizes on free, fair, transparent, and peaceful elections. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield as much time as he may consume to the distinguished gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence.

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

Mr. GOSS. Madam Speaker, I thank the distinguished gentleman from New York for his generosity with the time.

Madam Speaker, I am pleased that the House is taking up this resolution this afternoon of my colleague the gentleman from Florida (Mr. HASTINGS). As my colleagues know, Haiti has scheduled parliamentary elections as a way to resolve a crisis that has brought democracy, governance and economic development in Haiti to almost a full halt. In the 5 years since 20,000 U.S. troops forcibly restored Jean-Bertrand Aristide to power, the lights of democracy for Haiti have dimmed significantly and, in fact, they are in danger of going out entirely. Today in Haiti, it is actually worse for many people than it was before our intervention. The current U.S. ambassador to Haiti, Mr. Carney, who has been referred to put it this way and I quote him: ''Haiti is a long way from getting democracy. It lacks nearly all of the elements that make up a democracy.'' This is after several years of intense attention and billions of taxpayers' dollars. For the first time in years, I think we are beginning to see at least some of the folks in the Clinton administration make an honest assessment of the situation on the ground in Haiti. I think the excursion, the trip, the fact-finding analysis that the gentleman from Florida has referred to is proof of the fact that there is an interest to assist the situation accurately and realize just how badly off the people in Haiti are these days. I hope that the rose-colored glasses that we have seen so often in the Clinton administration have finally come off.

The United States has a significant investment in Haiti, significant in terms of our military involvement and our financial commitment as well. We are literally talking about billions—that is billions with a ''B''—of taxpayers' dollars we have spent in Haiti in the past few years. To many observers, it seems apparent that this investment has, in fact, been squandered. While the Clinton administration has a lot to account for in terms of explaining this failure to the American people, I think the question before Congress today is more important: Where do we go from here? The first step is to provide encouragement for the elections to go forward. We must also acknowledge that those elections face very serious challenges, including politically motivated violence that we have already seen manifest, and the active hostility of some of Haiti's leading politicians to the actions, well-meant actions and the necessary actions, of the Provisional Electoral Council.

In addition to helpful technical assistance that we might provide, the United States also must send a clear signal to Haiti's leaders, especially the President-in-waiting Aristide, that efforts to subvert or improperly influence the electoral process will not be tolerated. These parliamentary elections are often referred to as a, quote, roadmap for resolving the crisis in Haiti. We have heard that language before. Actually, we hear it before almost every election in Haiti. The last vestiges of Haiti's pretense of democracy will fade entirely if full, fair, free, and transparent elections do not happen on schedule. I will not go so far as to hope for peaceful, but I will put in the other qualifiers. I have been in Haiti for elections and there is a lot of enthusiasm. I do not think ''peaceful'' is a realistic expectation. But I think ''controlled'' is.

Haitian leaders should be on notice by this resolution—and I hope they are—and so should U.S. taxpayers who have footed the bill for the Clinton administration's failures in the past. They should take notice, lest we squander more good money after wasting so much already.

Good money after bad is a poor idea no matter how well-intentioned we may be. For that reason, I will support the resolution, of course, but I will ask for close oversight of how the funds are to be spent and I will ask for no rose-colored glasses in assessing what is really going on so that if we run into roadblocks, we understand what is before us and we are in a position to report faithfully to the American people what has happened rather than what we hoped had happened.

□ 1545

Mr. HASTINGS of Florida. Madam Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), my colleague.

Mrs. CHRISTENSEN. Madam Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding this time to me.

Madam Speaker, I rise today in support of House Concurrent Resolution 140 expressing the sense of Congress that Haiti should conduct free, fair, transparent and peaceful elections, and I thank the gentleman from Florida (Mr. HASTINGS), the gentleman from Massachusetts (Mr. DELAHUNT), and the gentleman from Michigan (Mr. CONYERS) for their bill, as well as the gentleman from New York (Mr. GILMAN), for their leadership and support of this resilient island nation.

I have had the opportunity to visit Haiti three times over the last 3 years. The last time was 2 weeks ago with the gentleman from Michigan (Mr. CONYERS) and several of my other colleagues, specifically to review the progress that was being made with regard to the upcoming elections.

Madam Speaker, I saw a Haiti which despite the fact that democracy has not made any significant bread and

butter changes in the lives of its people continue to hold on to the ideal of full democracy and economic progress despite the steepness of the uphill battle. The people of Haiti remain strong in the spirit which, despite the odds, made them an independent nation almost 200 years ago. Despite continuing poverty, little infrastructure, recent hurricane damage, we were able to see active building and vibrant commerce as well as other, if small, signs of improvement and hope. Much progress, Madam Speaker, I think was also seen in the public sector.

Madam Speaker, the people of Haiti want the upcoming elections, and they want elections that they will have confidence in. The United States has helped in the past years to help Haiti on the road to democracy and a healthier economy, but we have done far less than we should have. In the upcoming elections we have the opportunity to correct this and make an important contribution to the future of the Haitian people, to the Caribbean region, and to our hemisphere.

I join my colleagues in expressing the sense of Congress in support of free, fair, transparent and peaceful elections; but Madam Speaker, we should do more by making all the necessary resources available to make it possible.

This is another critical juncture in Haitian history. The integrity and the outcome of this election will determine Haiti's future. I want us to be on the right side of that history. I urge the passage of House Concurrent Resolution 140.

Mr. GILMAN. Madam Speaker, does the gentleman from Florida have any further requests for time?

Mr. HASTINGS of Florida. I do not, Madam Speaker, but I yield myself such time as I may consume to point out that the gentleman from Michigan (Mr. CONYERS) and the gentleman from New Jersey (Mr. PAYNE) and the staff of the chairman 2 weeks ago visited Haiti, and I regret very much that the gentleman from Michigan (Mr. CONYERS) is not here at this time for he had intended to speak regarding his personal findings.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Madam Speaker, I urge support for this resolution.

Mr. CONYERS. Madam Speaker, I would like to commend my colleagues for their hard work on this important resolution. Although the language was changed to accommodate opinions from the other body, I believe it still carries the appropriate positive message about Haiti's democratic progress. After all, October 15 will mark only 5 years that have gone by since the restoration of the legitimate government of Haiti and its elected president, Jean-Bertrand Aristide.

Haiti has come a long way since the dark days when General Cedras and Colonel Francois ruled the streets of Port-au-Prince with an iron fist of terror. I had the opportunity to make my own first hand evaluation 2 weeks ago when I led a bipartisan delegation to Haiti accompanied by my good friends Representatives CAMPBELL, PAYNE, HILLIARD, CHRISTENSEN, and FALEOMAVAEGA. I would also like to thank the gentleman from Illinois, the chairman of the Judiciary Committee, for authorizing the CODEL to travel. Today we are releasing our findings in a comprehensive trip report. While we found that elections probably will not happen in December as hoped, a brief delay may end up being in the best interests of broad participation in the process.

Haiti remains one of the world's poorest countries, with a per capita income of $380 per year. However, it has taken some important steps. Inflation is down to 8 percent, from about 50 percent in 1995. The budget deficit declined to less than 2 percent of GDP in 1998 and the exchange rate is stable. The economy has benefitted from a growth both in the assembly sector and in increased agricultural exports such as mangos and coffee; these factors contributed to an impressive growth rate of 4 percent last year.

Haiti is also trying hard to tackle a drug transshipment problem. In the last 3 weeks, the police leadership has made several arrests in several drug busts ranging from 13 pounds and 15 pounds of cocaine, to another one believed to amount to over 1,500 pounds. The police leadership are making admirable efforts to keep its ranks clean, arresting four of its own officers in connection with that last incident.

I believe today's resolution keeps Haiti in proper perspective and embraces the spirit of democratic progress. It encourages the United States and the international community to provide assistance to the elections, urges the government of Haiti to remain engaged with civil society, and asks all elements of Haitian society to help promote a climate of peaceful environment for the elections. This last part is important because a group of Haitian business representatives led by Mr. Lionel DeLatour reminded me during my trip, no one sector holds a monopoly on blame for transgressions. The resolution commends the Provisional Electoral Council, whom I also met with 2 weeks ago, for its efforts to resolve the controversial 1997 elections.

I urge your support of this resolution and I commend our report to your attention, which I am inserting into the RECORD.

HAITI TRIP REPORT, SEPTEMBER 10–12, 1999

CONGRESS OF THE UNITED STATES,
Washington, DC, September 27, 1999.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR MADAME SECRETARY: On September 10–12, a House Judiciary Committee congressional delegation traveled to Haiti led by the Ranking Member, Representative John Conyers, Jr. Other members of the codel included Representatives Tom Campbell, Donald Payne, Earl Hilliard and Delegates Eni Faleomavaega and Donna Christian-Christensen.

The trip focused on three general areas of interest: (1) The pending elections and the preparations necessary to undertake them; (2) the Department of Justice's ongoing role in police training and judicial reform; and (3) counter-narcotic activities.

The Congressional delegation's report contains specific recommendations for actions by the Executive Branch and the object of continuing your progress in the consolidation of democracy in the nation of Haiti.

Respectfully Submitted,
JOHN CONYERS, Jr.
TOM CAMPBELL.
ENI FALEOMAVAEGA.
DONALD M. PAYNE.
EARL F. HILLIARD.
DONNA M. CHRISTENSEN.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 27, 1999.

Hon. JANET RENO,
The Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: On September 10–12, a House Judiciary Committee congressional delegation traveled to Haiti led by the Ranking Member, Representative John Conyers, Jr. Other members of the codel included Representatives Tom Campbell, Donald Payne, Earl Hilliard and Delegates Eni Faleomavaega and Donna Christian-Christensen.

The trip focused on three general areas of interest: (1) The pending elections and the preparations necessary to undertake them; (2) the Department of Justice's ongoing role in police training and judicial reform; and (3) counter-narcotic activities.

The Congressional delegation's report contains specific recommendations for actions by the Executive Branch and the Congress, with the object of continuing your progress in the consolidation of democracy in the nation of Haiti.

Respectfully Submitted,
JOHN CONYERS, Jr.
TOM CAMPBELL.
ENI FALEOMAVAEGA.
DONALD M. PAYNE.
EARL F. HILLIARD.
DONNA M. CHRISTENSEN.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 27, 1999.

Hon. HENRY HYDE,
Chairman, House Judiciary Committee, Washington, DC.

DEAR CHAIRMAN HYDE: You authorized a House Judiciary Committee congressional delegation to travel Haiti between September 10th and 12th. The delegation was led by the Ranking Member, Representative John Conyers, Jr. Other members of the codel included Representatives Tom Campbell, Donald Payne, Earl Hilliard and Delegates Eni Faleomavaega and Donna Christian-Christensen.

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INTRODUCTION

From September 10th to September 12th, 1999, Congressman John Conyers, Jr., the Ranking Member of the House Judiciary Committee, led a bipartisan congressional delegation (CODEL) to Haiti. The delegation focused on upcoming elections and issues relevant to their successful undertaking such

as international monitoring, the proper role of the police and building confidence in the political process. It also looked at the status of police training, the U.S. Department of Justice's role in the establishment of an independent judiciary, and the efficacy of anti-drug operations.

The members of the CODEL included: Rep. John Conyers, Jr., Chairman (D–MI); Rep. Tom Campbell (R–CA); Rep. Donald Payne (D–NJ); Rep. Earl Hilliard (D–AL); Del. Eni Faleomavaega (D–AS); and Del. Donna Christian-Christensen (D–VI).

In 1990, Jean Bertrand-Aristide was elected president in Haiti's first legitimate, democratic elections. A year later he was overthrown in a coup d'etat and a violent military regime took over, ruling by repression and fear. In 1994, a United States-led multinational force restored democracy to Haiti. Ever since then, Haiti has been grappling with complicated economic, political and social questions necessary for the consolidation of democracy. This report explores some of those challenges and is meant to provide some useful observations.

In addition to having jurisdiction over operations of the Department of Justice generally, the Judiciary Committee has explicit jurisdiction over enforcement of federal drug statutes, administration of the federal courts, treaties, conventions and other international agreements. It also has jurisdiction over immigration and related issues.

The delegation objectives were:

Evaluate progress of investigations into human rights violations and the role of US assistance, particularly as it relates to the police.

Examine the impact of the withdrawal of the permanent U.S. military presence.

Determine the status of judicial reform and the efficacy of US assistance.

Observe preparations for the elections and make judgments regarding the timetable, the technical steps necessary for their undertaking, the ability of the police to maintain a secure environment, and the role of international observers.

Make observations regarding the public's confidence in the electoral process, the competence of electoral institutions, and the likelihood of broad civic participation in the process.

Our findings and recommendations follow.

THE POLICE

BACKGROUND

After the restoration of democracy to Haiti in 1994, the U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) established the Haiti Police Development Program. In the first phase of this program, ICITAP trained 5200 members of the Haitian National Police (HNP). By next year, ICITAP hopes to have established permanent education programs allowing the HNP to become more self-sufficient, institutionalized issues of integrity and civic duty, and set guidelines for the formation of specialized units such as CIMO, the riot control squad, and the BLTS, the counter-narcotics unit.

The delegation met with representatives of ICITAP, as well as OPDAT (the Overseas Prosecutorial Development Assistance Program), the US Department of Justice program responsible for judicial reform assistance. Their budget for FY 1999 is $6.1 million.[1]

A number of things suggest that on the bureaucratic level, the police will meet ICITAP's goals. For example, in the past seven months, three classes have come through the police academy which were 100% trained by Haitians with about 100 cadets in each class. Also, the fact that the HNP developed their own annual budget this year for the first time is an encouraging sign.

CHALLENGES FACING THE POLICE

The Haitian National Police, however, continue to face serious challenges including (1) continued problems with excessive use of force, human right abuses and mistreatment of prisoners; (2) drug trafficking within the force; and (3) keeping the police politically neutral and effectively engaged in providing security. Looming large in the foreground of these questions is what the impact of the U.S. troop withdrawal will be, the probable elimination of the police mentoring mission (CIVPOL), and the scaling down of the UN/OAS civilian mission's (MICIVIH) human rights monitoring work.

Attrition and recruitment

In response to concerns raised earlier this year by the House Appropriations Committee, the HNP in cooperation with ICITAP, conducted a study on attrition which concluded that attrition was not as bad as it seemed on the surface. According to this study, 1056 police left the force voluntarily or involuntarily between 1995 and April 1999. The overwhelming number of separations were dismissals: 602 police agents and 230 civilian employees fired. The justifications for dismissal ranged from corruption and alleged murder to poor punctuality. There is also a serious attrition problem of another kind: 115 officers have been killed since 1995.[2] As a consequence of the study, the HNP now systematically utilizes exit interviews.

The CODEL was alarmed to hear drastically varying estimates of the actual number of police active in the force. While the official figure is 6500, several sources in Washington, and Haiti assert that the actual number is probably more in the range of 3500–4000. This is alarming for a number of reasons: First of all, the need for police will be great in the months leading up to elections. Second, a reduction in the actual number of police could result in an over-reliance on elite forces, and third, it places tremendous strain on the active duty officers who are already expected to work unreasonably long weeks.

Human rights abuses

The human rights situation is a marked improvement from the years of the de facto regime and abuses do not appear to have any kind of pattern. The CODEL does however have serious concerns about the general conduct of the police and certain incidents in particular.

A top priority of the delegation was investigating the involvement of the HNP in the execution of eleven people on May 28, 1999 in the neighborhood of Carrefour Feuille. Protests in the days following were so violent that the Justice Minister and the Prime Minister had to flee the funeral services for the victims. The Minister of Justice has appointed a three judge panel to investigate the incident and six members of the HNP are currently in jail.

The National Coalition for Haitian Rights (NCHR) has complained that the Minister should not have appointed the panel without the Inspector General's report and is very concerned that the case will be mishandled. MICIVIH has criticized handling of Carrefour, arguing that some suspects are being held in isolement, an extra-constitutional and arbitrarily-created form of detention where the suspects have not been charged. It is also generally worried that the investigation is proceeding very slowly. Robert Manuel, the Secretary of State for Public Safety, personally promised Rep. Conyers progress on this investigation and an update in the near future to be announced publicly.

Earlier in the day of May 28, riots erupted in Port-au-Prince when a demonstration organized by a group of businesses and civil society organizations speaking out for peaceful elections faced counter demonstrators throwing rocks. The demonstration's organizers have charged that the behavior of the police exhibited a bias in favor of the counter-demonstrators, while the counter-demonstrators dismiss the allegations. The role of CIMO, the riot control unit formed in 1997 to handle such incidents, is at the center of some of the charges of police misconduct. For example, last year CIMO was dispatched to the town of Mirebalais and along with UDMO (the departmental crowd control unit) and GIPNH (a SWAT team), shares responsibility for severe abuses of a number of political activists. CIMO's accountability and public perception could be improved vastly by changing its uniforms, which lack badges. This measure, suggested by the U.S. Department of Justice last year, has not been implemented.

In May and June, MICIVIH learned of 16 cases of people being killed by a vigilante group. On May 13, an investigation team sent to Titanyen discovered the bodies of two people who had been taken away from Bois Neuf that morning by a group of people, two of them in police uniform. Since then, a total of 14 bodies have been discovered in graves in the area. Progress in this investigation has reportedly been extremely slow as well and the delegation would like to get status report soon.

In 1998, MICIVIH recorded 423 incidents of police brutality. Law enforcement misconduct has inspired a popular campaign against the HNP leadership. Local organizations, many of which appear to be aligned with Fanmi Lavalas, have been demanding the resignation of the police director, Pierre Denize and Bob Manuel, the Secretary of State for Security.

There is an active collective of indigenous organizations that carry out human rights activities, many of which the CODEL met with, but it is clear that they operate at great personal risk. For example, on March 8, Pierre Esperance, Director of the Haiti office of NCHR, was shot and injured shortly after a threatening flyer was found near his office. Some of these organizations, such as those encountered by delegation staff in Gonaive, are awaiting certification as official NGO's from the Haitian Ministry of Social Affairs. It is critical that such bureaucratic obligations are undertaken so that these organizations are able to fill any void left by a downgraded or nonexistent MICIVIH, which has been pivotal in training these indigenous groups.

Police role during the elections

The police have thus far managed to keep their distance from politics, a major step forward for a country with a deep history of the politicization of law enforcement. This is a tremendous break from the past, when law enforcement served as the long arm of executive power. However, the elections will present other challenges as well, such as the potential for violence against candidates. For example:

On September 5, a gunman fired on Sauveur Pierre Etienne, secretary of the OPL, an opposition party.

In March, Sen. Jean Yvon-Toussaint was killed in front of his home. On August 24, gunmen shot at the home of Emmanuel Charles, one of the nine members of the Provisional Electoral Council (CEP).

On August 21, another CEP official experienced a carjacking.

In July, election offices in Gonaives and Jacmel were set afire.

Footnotes at end of text of article.

The State Department plans on augmenting CIMO for the elections and is working on approving contracts for new riot control equipment. It has also suggested a ''nonviolence pact,'' to be signed by all participating parties.

Drugs

According to the Drug Enforcement Administration (DEA), approximately 2720 kilograms of cocaine were seized coming from Haiti between May 1998 and June 1999. Most drugs are smuggled into Haiti via ships, although airdrops and cargo shipments are also used. Most of the drug smuggling is done by Colombians who either live in Haiti or routinely travel there.

Although Haiti still has not signed a formal ship-rider agreement, the U.S. Coast Guard claims that it has ''carte blanche'' to conduct overflights or board any vessel at any time as long as the Haitian authorities are informed in real time. If this is indeed the case, and drug shipments from Haiti are on the rise, then the most logical improvement would be to dramatically increase the U.S. law enforcement presence, particularly the Coast Guard.

Haiti does not have asset seizure laws, therefore law enforcement agents cannot confiscate large sums of money. Neither does it have domestic laws relating to money laundering and it will not have any until the new parliament is in place next year. In the meantime, President Preval has sought the voluntary cooperation of private banks by requesting them to ask pertinent questions of clients who make large deposits and to help provide such information to the government for tax collection purposes. When the delegation inquired about this arrangement with business representatives, they stated that the assets of the banking sector are sector are actually very small. Nevertheless, the delegation hopes such cooperation with Preval's proposal is forthcoming.

THE INTERNATIONAL PRESENCE

The UN/OAS civilian mission

NICIVIH is being phased out due to the withdrawal of U.S. assistance. The mission plans on going to the UN General Assembly for a new mandate, replacing the current one authorized by the UN Security Council under the MIPONUH (United Nations Civilian Police Mission in Haiti) banner. This means the UN share of funding would come from the General Assembly, while the OAS will continue to contribute their share. The new mission will have some police monitoring component and probably will combine the MIPONUH and MICIVIH functions. Plans on how to facilitate this transition are still in the air but a temporary extension of the current mandate is a possibility. In the opinion of the delegation, a premature withdrawal of MICIVIH would leave a substantial gap in the human rights monitoring capabilities in Haiti simply because local organizations lack experience. Any phase out over the next year should attempt to minimize this impact.

U.S. troops

On June 9, the House voted 227–198 for an amendment to the Defense Authorization bill offered by Reps. Ben Oilman (R–NYC) and Porter Foss (R-FE) to withdraw U.S. troops from Haiti. Every member of the MODEL opposed this amendment. The amendment, if it becomes law, would end the U.S. Support Group in Haiti, an outgrowth of Operation UPHOLD DEMOCRACY in 1994. The Clinton Administration strongly opposed the amendment, pointing out that the Support Group has built roads and provided health care to thousands of Haitians, and arguing that a premature withdrawal would be disruptive to the pre-election security climate. The delegation is particularly concerned about the withdrawal in light of the phasing out of MICIVIH. These two events combined will leave vacuum that Haiti can ill afford. The administration has pledged to maintain a U.S. presence by rotating troops in for specific humanitarian missions.

CONGRESSIONAL ISSUES

The House International Relations Committee and the Senate Foreign Relations Committee have frozen the U.S. contribution to MICIVIH, which gets about 60% of its funding from the UN and 40% from the OAS. Previously, the US paid roughly $3.2 million of the $5 million OAS share per year. The Senate Foreign Relations Committee has a hold on a $425,000 arrears payment. The delegation believes this Congressional hold is counterproductive to the establishment of democratic institutions in Haiti and undercuts the role of a key international presence.

Recommendations relating to law enforcement:

When the new parliament takes office in 2000, the passage of forfeiture laws and legislation to combat money laundering should be a top priority. Until then, the private sector should recognize their responsibility to voluntarily provide such information.

The U.S. Congress needs to at least ensure that any MICIVIH phase-out minimizes any human rights observation void. Releasing the Senate Foreign Relations Committee's hold on $425,000 in arrears would facilitate a smooth transfer of responsibility to local organizations.

The delegation urged Manuel and Denize to make public announcements when they launch an investigation into serious police misconduct. This will increase confidence in criminal investigations.

Increase the U.S. Coast Guard presence in Haiti.

A non-violence pact prior to the elections is a good idea, but it should originate from within the Haitian system, for example from the CEP.

The Haitian Ministry of Social Affairs should do everything it can to expedite requests from NGO's requesting formal certification.

If CIMO should continue to receive equipment and additional training from the US, the HNP should take steps to improve its accounability and public image.

The political section of the U.S. Embassy and USAID should continue to reach out to local human rights organizations, who have explicitly expressed a desire to increase contact.

THE JUDICIAL BRANCH

BACKGROUND

The Haitian judicial system is corrupt and extremely slow. Many of the judges are holdovers from the years of the Duvalier dictatorship. An increasing problem is the vulnerability of judges to corruption from drug trafficking networks; this is partially linked to the fact that judges still receive very low pay.

The delegation was impressed with the new Minister of Justice, Camille LeBanc. He described his priorities as hiring a new generation of qualified professionals, modernizing outdated laws, and increasing the resources available, in particular for justices of the peace and those involved in judicial processes at the local level. He plans to provide justices of the peace with transportation, enabling them to be the first line of investigation against voter fraud during the elections, and he intends to permit the commissaries at the regional level to investigate allegations made by one candidate against another. Both seem like sensible ideas if implemented properly, in which case could make important contributions to a climate of confidence during the election cycle.

THE UNITED STATES AND THE HAITIAN JUDICIARY

U.S. Administration of Justice programs

The U.S. has been helping Haiti reform its judicial system through its Administration of Justice (AOJ) program. The project began with an agreement signed between the U.S. and the legitimate government of Haiti in 1993. Over the last five years, the Agency for International Development has spent $20 million out of $27 million committed.

Most of the AOJ programs concluded this summer, including programs to improve the competency of judicial personnel by mentoring judges, distributing legal materials, and working with bar associations. The projects providing legal assistance, advocacy training, and conducting public education on human rights and women's rights wound down as well.

Since the AOJ program began, over 50,000 individuals have received legal assistance and information from Non-Governmental Organizations funded through USAID and its subcontractor, Checci. The Department of Justice's Overseas Prosecutorial Development and Training Assistance Program (OPDAT) has trained over fifty magistrates and parquets (model prosecutors) in jurisdictions throughout the country. In the new five year plan, USAID and the Ministry of Justice expect to revive this program substantially as well as establish new training efforts related to commercial arbitration. For its part, OPDAT expects to train 50–100 more magistrates.

The U.S. Government and the question of impunity

During the restoration of democracy, the U.S. Army seized documents, photographs and other materials from the headquarters of the FAd'H (the Haitian army) and FRAPH (the Front for the Advancement and Progress of Haiti), a paramilitary organization with links to the Central Intelligence Agency. The delegation firmly believes that all of these materials should be returned immediately.[3]

While the FRAPH documents will not solve all of Haiti's problems with the justice system, a long and productive meeting with local human rights organizations in Port-au-Prince convinced the delegation that they are extremely important to many Haitians. Their return would in a concrete way assist lawyers investigating the thousands of murders that occurred during the period of de facto rule and in a broader sense contribute to a much needed sense of reconciliation.

A study by the American Law Division of the Congressional Research Service concluded that the documents are the property of the Haitian Government, and it is clear the seizure violated the spirit, if not the letter, of the Multinational Force's mandate. Claims by the Department of Defense and other branches of the U.S. government that the documents needed to be redacted to comply with the Privacy Act are simply without merit. The documents should be returned in their original form.

Supposedly the U.S. Government has reopened talks on the issue with the new Minister of Justice, Camille LeBlanc. The CODEL hopes that an inter-governmental committee can begin talks soon.

THE PRISON SYSTEM

Overcrowding in the prisons remains a serious problem. The population in detention has doubled in the last 2–3 years to over 3000 people, about 80% of whom are in pre-trial detention. For the last several years, a $1.2 million prison reform project has been funded by USAID and carried out by the UN Development Program. Much progress has been

made, but a registry at the national penitentiary is still incomplete.

While the staff delegation did not tour the prison in Gonaive, it has been recently refurbished—partly in the expectation that there will be convictions in the Raboteau Massacre case. We were also encouraged to hear reports that even though prison officials sometimes have shortages of food, the conditions are generally decent compared to the rest of the country. This is clearly a testament to the excellent work of the MICIVIH field office and the local NGO's they have been training. Unfortunately, the NGO's did note that the police, i.e., those outside of the prisons, continue to be abusive. Significant work remains to be done before organizations such as these are capable of filling a void left by the departure MICIVIH.

CONGRESSIONAL ISSUES

The Senate Appropriations Subcommittee on Foreign Operations has a hold of $2.5 million due to concerns that the judicial project redesign was prepared without the involvement of the Justice Minister. As LeBlanc moves forward with judicial reform, more resources will become available.

The delegation would like to convey to Congress that the Government of Haiti has assumed more of the costs of the Ecole de la Magistrature, which is a positive sign toward meeting Congressional conditionalities.

Recommendations related to the judiciary:

The Minister of Justice needs to set a numerical goal for reduction of the prison population. An inter-governmental committee including the Haitian Minister of Justice should be formed immediately to begin the return of the FRAPH documents to the Government of Haiti in their original form.

The Government of Haiti should demonstrate its commitment to judicial reform by approving the program agreed to at the donors meeting on July 6, 1998, appointing new staff, and passing legislation relating to the magistrates school and other matters relevant to the establishment of an independent judiciary.

THE ELECTIONS

BACKGROUND

On April 6, 1997, Haiti held elections for nine Senate seats, two vacant seats in the Chamber of Deputies (the lower chamber of parliament) and local government positions.[4] The turnout of these elections was only about 5% by most estimates and there were charges of serious fraud. Other problems included a decision by the CEP to not count blank ballots, official publication of the election results without the approval of the prime minister, and voter confusion due to inadequate civic education. The only positive aspect in the eyes of many observers was that reports of election violence were minimal. The controversy surrounding the elections culminated in the resignation of Prime Minister Rosny Smarth on June 9, 1997, who sought to distance himself from tainted elections.

When elections scheduled for the fall of 1998 did not take place, the parliament voted to extend its term. A constitutional crisis erupted in January 1999 when President Preval refused to recognize the vote and announced he would rule by electoral decree. The parliament responded by charging Preval with trying to rule as a dictator.[5] Eventually, the dispute was resolved after negotiations between an informal group of political parties called the Espace de Concertation and the executive branch were able to choose a CEP.

New elections

The upcoming elections will run seats for the Chamber of Deputies, most of the Senate seats, as well as the Communal Administration Councils (CASECs), the Communal Assemblies (ASECs) and City Delegates. They were originally set to take place on November 28. A few days prior to the delegation's arrival, the CEP declared that the elections would take place on December 19. After our return, President Preval announced the formation of a committee to look at election schedules.

Much of the political wrangling this summer among the CEP, the president, the Prime Minister and the major political parties centered on whether 17 or 19 Senate seats would be run, since the latter number would indicate rerunning the two contested Senate seats that went to Lavalas candidates in the 1997 elections. On June 11, the CEP announced that it was effectively annulling the results of those elections. Subsequent statements describing what it means by ''running all vacant seats'' have clarified that elections will be held for all 19 Senate seats. Lavalas has indicated that it will participate in these elections.

ELECTION ISSUES

Voter registration

A key goal of the CODEL was to determine whether preparations for these elections are proceeding on schedule. The information collected varied greatly: The National Coalition for Haitian rights believes that the timetable for the elections is too short and that more time is needed to organize voter registration, hire staff for the CEP, and restore confidence in the HNP.[6] The National Democratic Institute (NDI) believes the technical preparations are unnecessarily elaborate and will result in delayed elections. Similarly, the International Republican Institute (IRI) believes that while the cards are a useful long term goal, they are probably infeasible by December. The International Foundation for Election Systems (IFES), which is handling much of the technical preparations, believes the preparations are necessary and achievable.

A postponement of the elections until next year would probably be contentious. Critics of a delay, such as the U.S. embassy and most of the political opposition parties, argue that it would allow political candidates to run on the coattails of Aristide, who will be running for president. Second, they note that since the constitution stipulates that the parliament must be in place by the second week of January, any extension of the parliament's term would probably violate that provision. Finally, they suggest that a delay would undermine confidence; a potential hazard could be a boycott of the elections by some opposition parties. The delegation urges those parties to not withdraw from the political process by doing so.

The issuance of voter identification cards for the election is a controversial issue because many Haitians believe it is simply infeasible for 4.5 million voters to get an ID card in time for the elections and an unsuccessful attempt to do so would result in an urban bias in the electoral results. Moreover, Prime Minister Alexis expressed outrage that the funding for the contract, which went to Code Canada, circumvented the Haitian Ministry of Finance and the CEP. Former president Aristide and many other NGOs suggested that implementation of the voter ID plan begin in both the urban and rural areas with equal vigor, an idea that seems eminently reasonable to the CODEL.

The delegation believes that a postponement of the elections is all but certain. Regardless of when they take place, the massive undertaking of voter ID cards should begin as soon as equipment is in place and staff has been trained. Various factors indicate that any fallout from delay could be mitigated by assurances that two elections—one for the president and one for the parliament—take place. During meetings in Haiti and in Washington, representatives of the Haitian business community assured the delegation that having two separate elections is more important than having the elections in December. The words of the President of the BED (the regional electoral council) for Gonaive and the Artibonite region are illustrative; he emphasized during a meeting with delegation staffers that ''when elections take place is less important than having people motivated, educated and prepared for them.''

Election Observation

As in 1997, the bulk of the international observation will be carried out by the Organization of American States (OAS). The Inter-American Commission of Human Rights will also help.

MICIVIH has also played an important role during elections by monitoring freedom of expression and human rights aspects as they relate to electoral participation and they plan to do so this year as well. Until recently, it has 120 permanent observers throughout the country, but due to cutbacks and the expiration of the UN Mission on November 30, it has been phasing out its operations.

Two indigenous election observation coalitions have sprung up: the first is the National Electoral Observer Network (RENO), started by a group of business people which hopes to place 4000 observers around the country. The other is the National Civic Network (RCN), composed of center-Right political organizations. The delegation was encouraged by signs that these two coalitions have been cooperating with each other.

Earlier this summer, IRI, the counterpart to NDI, pulled out of Haiti citing physical danger to their staff. IRI had been the focus of a campaign against their effort to organize a coalition of political parties into a bloc. NDI is continuing its work with the Civic Forum, a project it began in October 1997 to provide civic education to citizens around the country. It plans to help encourage voter participation in the elections, sponsor candidate debates and train non-partisan election observers. They will be receiving State Department funding for their election work. The delegation condemns any violence against IRI or any American NGOs and hopes that Haitians will welcome foreign observers in the next elections.

CONGRESSIONAL ISSUES

The FY 1999 Foreign Operations Appropriations Act set up criteria that must be met before the U.S. can provide assistance for the elections.[7] On August 16, President Clinton certified to Congress that ''the central Government of Haiti: (1) has achieved a transparent settlement of the contested April 1997 elections, and (2) has made concrete progress on the constitution of a credible and competent provisional electoral council that is acceptable to a broad spectrum of political parties and civic groups in Haiti.'' The first criteria was met when the CEP annulled the 1997 elections on June 11 and with the promulgation of the electoral law, published on July 19 and corrected on July 22. The second criteria was met based on a fair process utilizing the Espace de Concertation that picked the CEP in March and by judging how they have acted since.

The delegation urges Congressional leaders to recognize the extraordinary circumstances at play in Haiti and to remain committed to funding free, fair and widely participatory elections in Haiti.

Recommendations relating to the elections:

If the implementation plan for the ID cards moves forward as planned, it should occur in urban and

rural areas simultaneously in order to prevent a geographical bias in turnout. It will also help secure the confidence of the rural population in the process.

While it is highly unlikely that the voter ID cards will reach the more than 4 million voters by December, they are nonetheless a worthy goal and the process should begin as soon as possible.

Two separate electoins—one for parliament and one for the presidency—need to take place and the political leadership of Haiti needs to publicly maintain that commitment.

U.S. assistance for the elections is crucial and Congress needs to remain committed to them, even if there should be a brief postponement.

FOOTNOTES

[1] The amount of that money going to outside consultants has been decreasing. ICITAP-Washington sees this as an encouraging development that is a result of re-competing their contracts, which are now with DYNCORPS and SAIC.

[2] The UN Secretary General's report of May 10, 1999, gave even higher numbers: 50 killed in 1996, 53 in 1997, 31 in 1998, and at least 16 this year for a total of 159.

[3] These demands were enumerated in some detail in three letters from a sum total of 80 members of Congress sent to President Clinton and Secretary of State Warren Christopher.

[4] The local government positions included 5,883 members of the Territorial Assembly and 392 Town Delegates, all of whom serve two year terms. A second round of elections is usually necessary. These runoff elections were scheduled for June 15, 1997 but were postponed indefinitely due to the controversy surrounding the first round.

[5] The Constitution says members of parliament should serve four year terms but a 1995 presidential decree (issue by Aristide and accepted without controversy) said the tenure for current members of parliament should end in January 1999. The decree was meant to correct an election schedule disrupted by the military dictatorship that ruled form 1991–1994.

[6] See ''Violence Threatens Haiti Elections,'' An NCHR Briefing Paper, July 1999.

[7] Section 561(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for FY 1999. (Public Law 105–277).

APPENDIX A: PARTIAL LIST OF MEETINGS AND INTERVIEWS

President Rene Preval
Former President Jean-Bertrand Aristide
Camille LeBlanc, Minister of Justice and Gabriel Zephyr
Robert Manuel, Secretary of State for Public Safety
Pierre Denize, Director of the HNP
Debussy Daimier, Carlo Dupiton, Micheline Figaro, Irma Rateau of the CEP
Colin Granderson, Director of MICIVIH
The Center for Free Enterprise and Democracy (CLED)
The Chamber of Commerce
Viles Alizar, The National Coalition of Haitian Rights (NCHR)
Johnson Aristide & Mondesir Jean Gaston, Soley Jistis Demokrasi (SOJIDEM), ''The Sun of Justice''
Jocie Philistin & Lovinsky Pierre-Antoine, Fondasyon 30 Septanm, ''The September 30th Foundation''
Lesly St. Vil, MAP VIV
Paul Rony, Popular Democratic Organization of Raboteau (OPDR)
Brian Concannon, Bureau des Avocats Internationaux
Vincent Louis, Peace Brigades International
Robert August, Ayiti Kapab
Gergard Phillipe August, MOP
Marc Basin, MIDH
Victor Benoit and Micha Gaillard, KONAKOM
Gerard Pierre Charles, Sen. Yvelt Cheryl and Paul Dejucan OPL
Hubert de Ronceray, MDN
Fr. Edner Devalcin, Fanmi Lavalas
Serges Gilles Panpra
Evans Paul and Frea Brutus, KID
Claude Roumain, Generation 2004
Rene Theodore, MRN
RENO
RCN
Auguste Augustin, Council Electorale Provence et Bureau Electorale Dept Pierre Pierrot, President Organization des Defence et Civics of Artibonite
Joseph Elie
The National Democratic Institute
The United Nations Development Program
Micheline Begin, International Foundation of Electoral Systems
Carl Le Van, Minority Staff, House Judiciary Committee
Charisse Glassman, Minority Staff, House International Relations Committee
Caleb McCarry, Majority Staff, House International Relations Committee

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Con. Res. 140, expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections. I urge that these elections be held without delay. Haiti is the world's oldest black republic and the second-oldest republic after the United States in the Western Hemisphere. Haitians actively assisted the American Revolution and independence movements of Latin American countries.

From 1843 until 1915, Haiti experienced numerous periods of intense political and economic disorder including 22 changes of government. The country continued to experience economic hardships and political dictatorship until December 1990 when Jean Bertrand Aristide, won 67% of the vote in a presidential election that international observers deemed largely free and fair. Aristide took office in February 1991. He was overthrown by dissatisfied elements of the army and forced to leave the country in September of that year. It has been estimated that 3,000 Haitians were killed during the three years that President Aristide lived in exile. In 1993, President Aristide returned to Haiti and assumed the presidency of the country. The people of Haiti as well as many in the world, looked forward to democracy taking root and the development of a striving environment that would stimulate economic growth.

President Aristide himself set in motion the presidential election process that led to his peaceful transference of power in accordance with the provisions of the Haitian constitution after the expiration of his five-year term. President Aristide stressed the importance of establishing the constitution precedent of a legitimate transfer of power for the future of Haitian democracy over his personal beliefs or that of his most ardent supports. On February 7, 1996, President Rene Preval was inaugurated as President of Haiti in the first peaceful and constitutional transfer of power from one freely elected president to another in that country. Through this unprecedented event, the political leaders of Haiti are viewed as committed to the permanent establishment of democratic processes in accordance with the Haitian constitution.

During the past 18 months, Haitian leaders have been unable to reach agreement on critical issues. The environment of hope and the commitment to democracy have been hampered by the lack of a functioning government in Haiti since June 1997. Haitian political leaders must correct this. I applaud the establishment of the electoral council and urge the immediate establishment of dates for an election.

Haiti has made progress with privatizing many state owned industries helping the economic conditions in the country. The once feared Police Force of Haiti is now thought by most citizens as doing a good job. However, foreign investors worry when no government is in place. And without a functioning government, economic reforms are becoming stagnant.

Elections, without delay, are critical to restore the Parliament and restore a true democracy. I urge my colleagues to join me in supporting this resolution.

Mrs. MEEK of Florida. Madam Speaker, I rise in strong support of H. Con. Res. 140—the resolution sponsored by my good friend from Florida, Representative HASTINGS. This resolution expresses the Sense of the Congress that Haiti should conduct free, fair, open and peaceful elections.

The establishment of a constitutional government and functioning parliament in Haiti demands a commitment by the United States to support free and fair elections in Haiti. Earlier this year, President Rene Preval's government and six political parties signed an agreement aimed at resolving a costly and contentious political standoff that left Haiti without a functioning government for the past two years. This agreement paved the way for new parliamentary elections.

There is no doubt that the political environment in Haiti is fragile. We know that since the resignation of the Prime Minister in June 1997, this impoverished country has experienced very disturbing violence. This volatile environment has altered the landscape of the country in ways that, among other things, has limited Haiti's ability to advance commerce and provide much needed services to a desperate people. Haiti is undergoing the strenuous birth pains of Democracy.

Haiti is the poorest country in the Western Hemisphere and among the poorest nations in the world. There is no wonder that this budding democracy remains delicate.

This goes to a larger issue. There are those in this body that do not want to support and advance democracy in Haiti. There are some who believe that democracy just springs up—that it just happens. The fact is that forging a democracy takes work. Look how hard we work to preserve democracy in America. In order to have a viable democracy in Haiti, the United States, as well as the international community, must play a critical role in providing the technical and logistical support needed for viable democratic elections.

The United States has made a significant commitment to democracy in Haiti because it is in our national interest. In the past, political instability in Haiti has led to Haitian refugees flooding our borders seeking economic opportunity. If we do not want this to happen, the United States should keep its previous commitment to democracy in Haiti and help to facilitate free and open election. I urge my colleagues to support this resolution.

Mr. GILMAN. Madam Speaker, I do not have any further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 140, as amended.

The question was taken.

Mr. GILMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MARINE MAMMAL RESCUE ASSISTANCE ACT OF 1999

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1934) to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program, as amended.

The Clerk read as follows:

H.R. 1934

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 ''Marine Mammal Rescue Assistance Act of 1999''.

SEC. 2. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

''SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

''(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

''(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the designated stranding regions.

''(B) In determining priorities among such regions, the Secretary may consider—

''(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year; and

''(ii) data regarding average annual strandings and mortality events per region.

''(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

''(c) ADVISORY GROUP.—

''(1) IN GENERAL.—The Secretary, in consultation with the Marine Mammal Commission, shall establish an advisory group in accordance with this subsection to advise the Secretary regarding the implementation of this section, including the award of grants under this section.

''(2) MEMBERSHIP.—The advisory group shall consist of a representative from each of the designated stranding regions and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals.

''(3) PUBLIC PARTICIPATION.—

''(A) MEETINGS.—The advisory group shall—

''(i) ensure that each meeting of the advisory group is open to the public; and

''(ii) provide, at each meeting of the advisory group, an opportunity for interested persons to present oral or written statements concerning items on the agenda for the meeting.

''(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

''(C) MINUTES.—The Secretary shall keep and make available to the public minutes of each meeting of the advisory group.

''(4) EXEMPTION.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the establishment and activities of an advisory group in accordance with this subsection.

''(d) LIMITATION.—The amount of a grant under this section shall not exceed $100,000.

''(e) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

''(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

''(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent to pay the administrative expenses necessary to carry out this section.

''(g) DEFINITIONS.—In this section:

''(1) DESIGNATED STRANDING REGION.—The term 'designated stranding region' means a geographic region designated by the Secretary for purposes of administration of this title.

''(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended.''.

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting ''(other than section 408)'' after ''title IV''.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

''Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.
''Sec. 409. Authorization of appropriations.
''Sec. 410. Definitions.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

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

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

Mr. SAXTON. Madam Speaker, first, let me express my appreciation to my colleagues, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from New Jersey (Mr. LOBIONDO), for joining me and for working so hard to bring this bill to the floor. I would also like to thank the gentleman from New Mexico (Mr. UDALL) for his interest in, and efforts to help, this bill to proceed to the extent that it has.

Madam Speaker, as the author of H.R. 1934, I rise obviously in strong support of the Marine Mammal Rescue Assistance Act. I am pleased that the House is considering this bill, and I would like to urge everyone to vote for it. But first, let me just explain what the bill does, Madam Speaker, and why I believe it is so urgently needed.

Madam Speaker, H.R. 1934 would establish a grant program to fund and rescue and rehabilitate marine mammals; and it would conduct, it would provide for us to conduct, scientific work associated with live and dead marine mammals; and third and finally, it would assist those centers which carry out those humanitarian rescues and recoveries.

Madam Speaker, Americans are always thrilled to see news reports of rescue attempts of stranded or beached Atlantic bottlenose dolphins, manatees or pygmy sperm whales. These efforts are extremely expensive, and this bill helps in no small way to offset some of these costs. Although title IV of the Marine Mammal Protection Act, as it currently stands, provides funds to compensate participants of the Nation's stranding network, it is limited to certain work associated with unusual mortality events which are defined as unexpected or a scientific die-off of marine mammals.

Madam Speaker, regrettably at the same time, funds are currently not available for small strandings, either live or dead, of dolphins on the New Jersey beaches or the now famous live stranding of the baby grey whale on a California beach that was successfully rescued, rehabilitated and released back to the wild by Sea World. Furthermore, there are few funds available to research the cause of these standings or to care for these sick animals.

The examples I have mentioned are just two of the hundreds of small live and dead standings that occur frequently on our Nation's shores. Hundreds of dolphins, harbor porpoises, seals, sea lions, manatees, sea otters, and even beluga whales become stranded on our shores. Every year hundreds of people like my constituent, Robert Schoelkopf, director of the Marine Mammal Stranding Center in Brigantine, New Jersey, rescue and recover and collect important scientific data and at times successfully release these animals back into the wild.

In his testimony recently, Mr. Schoelkopf noted that his stranding center has handled 1,852 marine mammals. He stated that the National Marine Fishery Service has acknowledged the need for stranding networks along

the coast to be the first response to not only typical standings but also for unusual episodes.

Yet, Madam Speaker, there are no funds available for people like Bob Schoelkopf who work side by side with the National Marine Fishery Service and the Fish and Wildlife Service to save and study these magnificent animals. This bill would fill that void by making a small but critical amount of money available through the competitive grant process to help cover some of the costs associated with these nonunusual mortality events.

Madam Speaker, I would just like to urge my colleagues to support the passage of this important conservation bill and again express my gratitude for my colleagues who have worked so hard as partners on this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Madam Speaker, we do not have any objections to this legislation that is before the House today, H.R. 1934, the Marine Mammal Rescue Assistance Act of 1999. I commend the gentleman from New Jersey (Mr. SAXTON) and his staff for working in a truly cooperative bipartisan manner with minority Members on the Committee on Resources to craft this important bill.

All Members should vote for this bill.

Few events catch the public's collective emotion more than episodic strandings or mysterious fatalities of marine mammals. With growing concern, members of the Committee on Resources continue to hear of numerous incidents of unusual or unexplained mortality events effecting marine mammals. Perhaps most troubling, many of these stranding and mortality events are affecting marine mammal populations that are considered robust and healthy; and regrettably, while the frequency of standings is increasing, we still know relatively little about what is causing this to occur.

In 1992, Congress amended the Marine Mammal Protection Act to add a new title IV with the purpose to establish a coordinated Federal, State, and private effort to address the problems and challenges associated with marine mammal strandings or unusual mortality events. In many respects, Madam Speaker, the marine mammal health and stranding program established under title IV has been effective.

Nonetheless, Madam Speaker, we have fallen short of the goals established for this program, in some cases especially the need for better analysis of rescued and diseased marine mammals and the need for additional research to determine if there are crossover connections between marine mammal strandings and human health threats in the marine environment. Much work still remains to be done.

Moreover, costs of stranding rescue operations have risen sharply, so sharply in fact that some stranding facilities have had to sacrifice other programs which has had the effect of dampening effectiveness. This legislation will give marine mammal stranding facilities better tools and financial assistance to meet this and other unmet needs of the program.

The grant program authorized in this bill will help relieve the financial burden currently affecting many network stranding facilities; and importantly, these new grants could be used to support valuable new research on dead marine mammals without cutting back funds necessary to support the humane care and treatment of recovered live animals. We also hope that the advisory group created by this bill will be effective in developing priorities for funding these new grant proposals.

I know that the gentleman from American Samoa (Mr. FALEOMAVAEGA), the ranking member of the Subcommittee on Fisheries Conservation, Wildlife and Oceans very much appreciates the cooperation of the gentleman from New Jersey (Mr. SAXTON), the subcommittee chairman, to ensure that these grants may be used to enhance scientific investigation and are not simply used to offset operating expenses at stranded facilitates.

Also, the gentleman from American Samoa (Mr. FALEOMAVAEGA) also appreciates the chairman's cooperation to ensure that this legislation provides for the fair distribution of grant dollars to all stranding network regions and also provide sufficient funds to allow the National Oceanic and Atmospheric Administration to administer the new grant program. We still contend that it makes sense to set aside some discretionary funds for emergency or technical assistance since these funds would allow NOAA to fill in the gaps in coverage or to address unexpected needs that arise in the field. Ultimately, experience will determine whether this additional flexibility is needed.

Madam Speaker, the marine mammal health and stranding program is vital to the protection and rehabilitation of thousands of marine mammals annually, but the program can be improved. I believe the new grant program created by this legislation will provide additional financial resources to support the national network of stranding facilities, will increase our understanding of marine mammal ecology, and will increase public awareness of the health and safety of the coastal marine environment.

□ 1600

I urge all Members to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. SAXTON. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

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

Mr. GOSS. Madam Speaker, I thank my friend the distinguished gentleman from New Jersey for yielding me time and congratulate him for his many years of leadership in this particular area. It is not only strandings of mammals, it is other protections as well that he has been a champion over the years, and I congratulate his colleague on the other side of the aisle and the bipartisan effort here.

I rise in strong support of this. People wonder sometimes with this type of legislation, what is the constituency? Well, I will tell you the constituency for stranded mammals is anybody who has ever seen a stranded mammal. There is some response, some chord that is hit in us, and it seems that people will rush to the water and jump in cold water and get their clothes all wet and do things that they normally would not do in order to try and provide some relief for stranded mammals. I have seen it many times in my own district, and I have seen extraordinary efforts and great sacrifice made to try and take care of these creatures who sometimes run afoul with problems.

I think this is a good testimony, that we do care very much, and that we do need legislation, because all the good intentions sometimes do not provide the professional way of dealing with stranded animals.

I will tell you that in my district, I am very proud to have Mote Marine Laboratory, which also has a stranding program which I believe is second to none. It has done all kinds of rescue work over the years. It has been very busy. It is very professional and very accomplished. I know they have provided testimony for this legislation, and I congratulate them on their efforts as well.

I think with the people involved and committed for the purposes that are at stake in this resolution, that we will have success, and I think this is an entirely appropriate type of support for government and government involvement in something which is indeed a national treasure, and that is our marine mammals. I congratulate all those involved.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR), a key legislator in the reauthorization of the Marine Mammal Protection Act and also key in appropriations for this program.

Mr. FARR of California. Mr. Speaker, I rise in support of H.R. 1934, the Marine Mammal Rescue Assistance Act. I commend once again, almost every week now, the gentleman from New Jersey (Mr. SAXTON), for his leadership on this important issue, another one of our important issues relating to the oceans of this great country and the world.

This legislation is critical to anybody who has coastal shoreline where

the populations of marine mammals exist, because this goes to how do you serve those marine mammals when they are in trouble; how do you get them when they are stranded; and why do you do that.

Do you know that Megatrend says that the leading development in America has been what they call watchable wildlife? More people are watching wildlife than all of the national sports in this country, than all the professional sports. That wildlife, a lot of it is marine wildlife.

Marine wildlife is important to the ecology of the ocean, the health of the ocean and the coastal communities, but it is also important for tourism, because people come to the coastlines and they want to see the wild animals that are in that coastal zone; and the wild animals in many cases are endangered.

I happen to represent an area where we have the southern sea otter population. It is not recovering very well. The recovery rate for the southern sea otter is unacceptable since 1995. Researchers have documented an increased rate in mortality, an 11 percent reduction in the population. In fact, last year 10 percent of the total population of this endangered animal was found dead, stranded on beaches in my district. That is 213 of the 2,090 animals left in this population were found dead, washed up on beaches just last year.

The southern sea otter is vital. It is vital to the health of our sea mammal community. It is vital to the tourism in our area; and I think it is just vital that we have beautiful animals like this to understand, protect, and to study.

Fortunately, the bill of the gentleman from New Jersey (Mr. SAXTON) will provide funds for the preparation and transportation of tissues from the deceased animals so the researchers can determine the cause of death and turn this trend around.

Mr. Speaker, my only reservation is that we not decrease funding for research and assistance for other existing marine mammal programs. In fact, we need to fully fund what is authorized in this bill. The majority of marine mammal strandings occur on the West coast; and, unfortunately, the strandings are increasing. So I hope that we will begin to be able to have enough money for the marine mammal recovery and not take this money from other marine mammal protection programs.

I urge my colleagues to support this bill, and I ask that we increase funding for marine mammal protection and research. We need to support the Marine Mammal Rescue Assistance Act, but not at the expense of other national marine fishery services programs.

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

Mr. Speaker, I would just like to conclude by saying I believe this is an extremely important bill, and I would like to thank everyone who has had something to do with it, from the Member level as well as from the staff level.

Mr. UDALL of New Mexico. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1934, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONVEYING LAND IN NEW MEXICO TO SAN JUAN COLLEGE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 293) to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

The Clerk read as follows:

S. 293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the ''Old Jicarilla Site'' located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS, CONDITIONS, AND RESERVATIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for ingress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b), shall be revoked simultaneous with the conveyance of the property under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

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

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

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

Mr. Speaker, S. 293 was introduced by Senator PETE DOMENICI of New Mexico. The legislation would require the Secretaries of Agriculture and Interior to convey a 10 acre parcel of land known as the Old Jicarilla Site to San Juan College.

The Forest Service no longer requires its use and has not occupied the site for several years. The bill would require the site to be used for educational and recreational purposes.

Back in February of this year, our esteemed colleague, the gentleman from New Mexico (Mr. UDALL), who has worked so hard on this bill, introduced H.R. 695 as the House companion. He worked diligently to see that his legislation passed the committee process, and finally it passed the House under suspension of the rules in early August. However, because the Senate would prefer the House to pass its version, S. 293, we are here today to do just that so this legislation might be enacted into law.

Let me close by saying that my good friend the gentleman from New Mexico (Mr. UDALL) has done a great job on this legislation, and I urge everyone to support the passage of S. 293 under suspension of the rules.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, S. 293, like H.R. 695 passed by the House on August 2, 1999, would direct the Secretary of Interior to convey approximately 20 acres of real property and improvements at an abandoned and surplus ranger station administrative site in San Juan County, New Mexico, to San Juan College in Farmington, New Mexico. The Forest Service has determined that the Old Jicarilla Site, as the site is known, is of no further use because the Forest Service moved its operations to a new administrative facility in Bloomfield, New Mexico, several years ago. In fact, the site has been unoccupied for several years.

With over one-third of the land in New Mexico under Federal ownership, it is often difficult for local communities to find appropriate sites for educational and recreational purposes. This bipartisan legislation will overcome this hurdle by conveying surplus Federal lands to San Juan College.

The college would pay for all lands to be conveyed in accordance with the Recreation and Public Purposes Act and would use the site for educational and recreational purposes. In the event that the land ceased to be used for such purposes, it would revert to the United States.

According to Dr. James C. Henderson, president of San Juan College, ''San Juan College has grown to be the fourth largest college in New Mexico. The college serves the people of the northwest quadrant of the State in numerous ways, by providing business and industrial training, life-long learning opportunities, and various academic and technical degree programs.''

The transfer of the Old Jicarilla Site to San Juan College would allow the college to better serve the surrounding community by offering new programs that meet the needs of that community. In addition, the facilities would be available to other civic organizations, such as the Scouts and the Boys and Girls Club.

This legislation creates a situation in which the Federal Government, the State of New Mexico, the people of San Juan County, and, most importantly, the students and faculty of San Juan College, all benefit.

I would like to thank Dr. Henderson, Ms. Marjorie Black, his executive assistant, and the staff of San Juan College, the Forest Service, and the Bureau of Land Management for their hard work directed towards making this transfer a reality.

In addition, I would like to thank the gentlewoman from New Mexico (Mrs. WILSON) for her work, as well as my New Mexico colleagues in the Senate, Senator BINGAMAN, and, in particular, Senator DOMENICI for beginning this effort in the last Congress and continuing his efforts again in this Congress. I thank Members for their consideration in this matter.

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

Mr. SAXTON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I am pleased to be here today to ask my colleagues to pass Senate 293, the Old Jicarilla Site Conveyance Act of 1999. It does allow the college to be able to administer a piece of unwanted land that is now owned by the Federal Government.

For those who do not live in the Rocky Mountain West, you might think, well, gosh, why is no other land available? But in San Juan County, 90 percent of the land is owned by the Federal Government, which is why a piece of legislation like this is needed.

This bill passed the Senate in the last Congress but did not pass the House before we went to adjournment. It is a very simple bill and it is just something that is part of the routine business that we have to do and need to get done.

I want to thank my colleagues for their work on this, particularly the gentleman from northern New Mexico (Mr. UDALL), Senator PETE DOMENICI, and Senator JEFF BINGAMAN, who sponsored this in the Senate and passed it last year. With your assistance, we will pass it and make it possible for San Juan College to continue the great education that it provides to so many New Mexicans.

Mr. UDALL of New Mexico. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 293.

The question was taken.

Mr. SAXTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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.

BLACK CANYON OF THE GUNNISON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA ACT OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 323) to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes, as amended.

The Clerk read as follows:

S. 323

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 ''Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;

(3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;

(7) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—

(A) recognized for offering exceptional multiple use opportunities;

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.

(2) MAP.—The term ''Map'' means the map entitled ''Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99''. The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) PARK.—The term ''Park'' means the Black Canyon of the Gunnison National Park established under section 4 and depicted on the Map.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(b) ADMINISTRATION.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act

entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legals description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) GRAZING.—(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of enactment of this Act. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park where, prior to the date of enactment of this Act, such use was scheduled to expire according to the terms of a settlement by the U.S. Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.

(2) Within areas of the park designated as wilderness, the grazing of livestock, where authorized under permits in existence as of the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this Act, the Wilderness Act, and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on the date of the enactment of this Act; and

(B) with respect to a permit or lease issued to a partnership, corporation, or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under subparagraph (A) terminates, unless the partnership, corporation, or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the partnership, corporation, or legal entity.

SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.

(a) ADDITIONAL ACQUISITIONS.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land depicted on the Map as proposed additions.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or interests in land may be acquired by—

(i) donation;

(ii) transfer;

(iii) purchase with donated or appropriated funds; or

(iv) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly-acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) BOUNDARY SURVEY.—As soon as practicable and subject to the availability of funds the Secretary shall complete an official boundary survey of the Park.

(d) HUNTING ON PRIVATELY OWNED LANDS.—

(1) IN GENERAL.—The Secretary may permit hunting on privately owned land added to the Park under this Act, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) TERMINATION OF AUTHORITY.—On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this Act, the authority under paragraph (1) shall terminate with respect to the privately owned land acquired.

SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.

(a) EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.—The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94–567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as ''Tract A'' and consisting of approximately 4,419 acres.

(b) ADMINISTRATION.—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) MANAGEMENT OF CONSERVATION AREA.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(d) HUNTING, TRAPPING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) EXCEPTION.—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning—

(A) public safety;

(B) administration; or

(C) public use and enjoyment.

(e) USE OF MOTORIZED VEHICLES.—In addition to the use of motorized vehicles on established roadways, the use of motorized vehicles in the Conservation Area shall be allowed to the extent the use is compatible with off-highway vehicle designations as described in the management plan in effect on the date of enactment of this Act.

(f) CONSERVATION AREA MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall—

(A) develop a comprehensive plan for the long-range protection and management of the Conservation Area; and

(B) transmit the plan to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Resources of the House of Representatives.

(2) CONTENTS OF PLAN.—The plan—

(A) shall describe the appropriate uses and management of the Conservation Area in accordance with this Act;

(B) may incorporate appropriate decisions contained in any management or activity plan for the area completed prior to the date of enactment of this Act;

(C) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Conservation Area prior to the date of enactment of this Act;

(D) shall be prepared in close consultation with appropriate Federal, State, county, and local agencies; and

(E) may use information developed prior to the date of enactment of this Act in studies of the land within or adjacent to the Conservation Area.

(g) BOUNDARY REVISIONS.—The Secretary may make revisions to the boundary of the Conservation Area following acquisition of land necessary to accomplish the purposes for which the Conservation Area was designated.

SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.

(a) GUNNISON GORGE WILDERNESS.—

(1) IN GENERAL.—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

(2) ADMINISTRATION.—

(A) WILDERNESS STUDY AREA EXEMPTION.—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act.

(B) INCORPORATION INTO NATIONAL CONSERVATION AREA.—The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) ADMINISTRATION.—Subject to valid rights in existence on the date of enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) STATE RESPONSIBILITY.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act or in the Wilderness Act shall affect the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish on the public land located in that State.

(d) MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this section, the Secretary of the Interior shall file a map and a legal description of the Gunnison Gorge Wilderness with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. This map and description shall have the same force and effect as if included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description. The map and legal description shall be on file and available in the office of the Director of the BLM.

SEC. 9. WITHDRAWAL.

Subject to valid existing rights, the Federal lands identified on the Map as ''BLM Withdrawal (Tract B)'' (comprising approximately 1,154 acres) are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 10. WATER RIGHTS.

(a) EFFECT ON WATER RIGHTS.—Nothing in this Act shall—

(1) constitute an express or implied reservation of water for any purpose; or

(2) affect any water rights in existence prior to the date of enactment of this Act, including any water rights held by the United States.

(b) ADDITIONAL WATER RIGHTS.—Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO CURECANTI NATIONAL RECREATION AREA.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area.

(b) PURPOSE OF STUDY.—The study required to be completed under subsection (a) shall—

(1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

(2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

(3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and

(4) estimate the costs of implementing the approaches recommended by the study.

(c) SUBMISSION OF REPORT.—Not later than 3 years from the date of enactment of this Act, the Secretary shall submit a report to Congress that—

(1) contains the findings of the study required by subsection (a);

(2) makes recommendations to Congress with respect to the findings of the study required by subsection (a); and

(3) makes recommendations to Congress regarding action that may be taken with respect to the land described in the report.

(d) ACQUISITION OF ADDITIONAL LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Prior to the completion of the study required by subsection (a), the Secretary may acquire certain private land or interests in land as depicted on the Map entitled 'Proposed Additions to the Curecanti National Recreation Area,' dated 01/25/99, totaling approximately 1,065 acres and entitled 'Hall and Fitti properties'.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or an interest in land under paragraph (1) may be acquired by—

(i) donation;

(ii) purchase with donated or appropriated funds; or

(iii) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(C) BOUNDARY REVISIONS FOLLOWING ACQUISITION.—Following the acquisition of land under paragraph (1), the Secretary shall—

(i) revise the boundary of the Curecanti National Recreation Area to include newly-acquired land; and

(ii) administer newly-acquired land according to applicable laws (including regulations).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

□ 1615

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

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

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

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

Mr. SAXTON. Mr. Speaker, S. 323, introduced by Senator BEN NIGHTHORSE CAMPBELL from Colorado, authorizes the establishment of a new National Park unit, the Black Canyon of the Gunnison National Park. This bill also expands the Black Canyon of the Gunnison Wilderness area and establishes the Gunnison Gorge National Conservation area.

Creation of this new park unit can also be attributed in large part of the hard work of our colleague, the gentleman from Colorado (Mr. MCINNIS).

Many people have worked hard on this bill in trying to accommodate all of the concerns associated with this important bill. For example, this bill will continue the use of grazing where it existed prior to creating the new park unit and will continue to allow hunting on privately owned land within the boundaries of the park.

Concerns dealing with water rights and off-road vehicle use also have been addressed.

Mr. Speaker, I would again like to commend our colleague, the gentleman from Colorado (Mr. MCINNIS), for the great work that he did.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SAXTON) for yielding me this time.

Mr. Speaker, in just a few moments we are going to be voting on the bill, S. 323, the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999.

For the benefit of my colleagues here on the floor, I thought I would show just a few pictures, photographs, of what we are about to make as a national park in the state of Colorado.

Colorado has not had a national park in 84 years. If ever there were a property in Colorado deserving of this special privilege, it is the Black Canyon.

A few moments here of a description of the Black Canyon, and at this time it would be appropriate to give credit to the Southwest Parks and Monuments Association, Tucson, Arizona. I think their description of the Black Canyon really best summarizes it for the short period of time that we have.

''Most people see the 20,000 acres of the Black Canyon of the Gunnison National Monument,'' soon to be a national park, ''not from the river but from the south or north rims. We tiptoe up to the overlooks and clutch the guardrails with white knuckles before peering over the brink. Violet-green swallows dive and chitter among the sheer cliffs, fearless acrobats apparently oblivious to the gaping abyss. Nearly 2,000 feet below, nearly 2,000 feet below, we see the Gunnison River, like a tiny green thread but with a clearly audible roar. The water is so clear trout might be spied in the pools far below. The impressive effect of the scene reduces us to inadequate adjectives: gorgeous, awesome, spectacular.''

Inevitably we start to wonder: What caused this great gorge here, and how do we allow all of the people of America to get the opportunity to see it?

Geologist Wallace Hansen says the Black Canyon was made possible by an interplay of coincidences. All of the right ingredients happened to come together in this part of the world to make the Black Canyon of the Gunnison. Start with a free-flowing river with lots of water and stir in a generous amount of sediment. It helps if the river is flowing down a very steep hill. Send the river through a raised block of some very hard rock. Spice sparingly with gully wash and frost action and simmer uncovered for a couple of million years. The Gunnison River was and still is the primary agent responsible for carving the Black Canyon.

Other canyons may have greater steepness or depth but few combine both of these attributes as magnificently as the Black Canyon. A few breathtaking statistics will suffice. At the Narrows at the river level, the gorge is 40 feet wide and the walls are 1,700 feet high. Below East Portal, the canyon is 1,920 feet deep. Painted Wall, Colorado's highest cliff, soars up a staggering 2,250 vertical feet.

The Black Canyon was named for the dark rock that makes up the walls, rocks that have been subjected to untold amounts of heat and pressure. Geologists call them basement rocks, for

they are the foundation of the Earth's crust and often are deeply buried. This rock exposed in the canyon is much older than the canyon itself. Indeed, these basement rocks are among the oldest rocks on the Earth, exceeding 1.7 billion years of age.

This legislation which we are about to vote on today has been a long time coming to the Western Slope of Colorado, and particularly the Colorado's third congressional district. It is a prime example of legislation which incorporates the input of local constituents and locally elected officials, as well as input from the Federal agencies involved; lots of team work. This is a well-developed and innovative approach to protecting unique natural resources for future generations in the most fiscally responsible manner possible.

Earlier this year, I introduced House Resolution 1165, the Black Canyon National Park and Gunnison Gorge National Conservation Area Act of 1999. I would like to extend my thanks to my fellow colleagues who joined me by cosponsoring this bill. I greatly appreciate their assistance and their support.

I would also like to extend my thanks to the gentleman from Colorado (Mr. UDALL), who has worked with me in the last hours to ensure that this legislation was brought to the floor today for prompt consideration.

Mike Strang, my predecessor from years ago, was the first one that introduced the bill on the Black Canyon and he, too, today is to be acknowledged.

Across the Capitol, Senator CAMPBELL who has spent endless hours on this and put a lot of energy and a lot of resources in to seeing that today we have reached this point where we can pass a bill on to the President for signature should also be congratulated and thanked. His effort is appreciated and will be appreciated for many generations to come.

I also should at this point thank the gentleman from New Jersey (Mr. SAXTON), the gentleman from Alaska (Mr. YOUNG) and, of course, the subcommittee chairman, the gentleman from Utah (Mr. HANSEN), for their work in the Committee on Resources in quickly getting this bill through the committee and on to the floor.

This legislation does far more than simply create a new national park from what is now a national monument. This legislation establishes a cooperative approach to managing this natural resource and calls on all affected resource management agencies in the area to play key collaborative roles.

I want to stress that the collective management approach this legislation creates does not in any way require, imply or contemplate an attempt by the Federal court to usurp water rights, State water law or intrude upon private property rights.

The Secretary of the Interior will manage the entire area and will be able to utilize all fiscal and human resources in the administration and management of this natural resource in a unique money-saving manner. This legislation will also eliminate redundant operations and form a coordinated, efficient, and fiscally responsible management structure.

Much work has been done to forge consensus on this issue, and I am pleased to bring forward this cooperative management plan for this beautiful example of our national and natural heritage.

Mr. Speaker, enactment of this bill will not, will not, be the last step in protecting the Federal lands in Colorado. As this bill demonstrates, when an area is appropriate for wilderness designation and when all of these outstanding issues have been satisfactorily addressed, the Colorado delegation will respond with appropriate legislation.

I would also note that other protection short of the absolute wilderness designation, such as a national park, may be appropriate in many cases, and I would encourage the Congress, Coloradans, the counties, local users and interests who would be impacted to consider this possibility when discussing how to best utilize public lands within Colorado.

I would like to take this opportunity to discuss certain perceptions regarding the need to preserve and protect our Nation's lands. As is evident by the different forms of land management utilized in my bill, the fact that Federal lands are not designated as wilderness does not mean that the land is not protected. In this area, as a result of this legislation, we will designate a national park, enlarge a wilderness area, and establish a conservation area. One can see the range of tools available to the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Parks Service to help protect and preserve the integrity of our lands.

Local control is a privilege that is already hard to come by and difficult to keep. Once an area is designated as wilderness, the option of local control is no longer available. It usurps that local control. The lands are then governed by a very strict Federal statute. For that reason, in my opinion, any wilderness proposal must carefully consider local interests before proposing broad wilderness designation.

In my support for public land-use policy, I have sought to achieve a common sense balance between local control, multiple use, and protecting Colorado's and the United States' resources. I have and will continue to support wilderness, or other forms of intense management, in Colorado that is well considered and which enjoys local support, such as the Black Canyon of the Gunnison legislation. I will continue to work to achieve appropriate levels of protection for the pristine and beautiful areas within Colorado.

Let me take just one moment to put this bill in its proper perspective. First introduced in the 1980s by Mike Strang, as I mentioned earlier, this bill will create a new national park in the State of Colorado for the first time since 1915, when Rocky Mountain National Park was named. It has been almost 85 years since the last new national park in Colorado. I am thrilled to be here today, to be carrying this legislation and to team up with Senator CAMPBELL to take it through the United States Congress so that Colorado now has a new national park.

It has been a long time, 85 years. The last time we had a park in our State was in 1915, when Ford was still producing Model T Fords. Closer to home, Pancho Villa led raids into New Mexico and Texas; and in Denver, one could buy a loaf of bread for 5.6 cents. That is how long ago it has been.

Today is a big day for the State of Colorado. It is a victory for the United States Congress. It is a victory for the citizens of the United States.

We have a fiscally sound management plan helping protect our resources that does not lock out humans but instead can make all of us very, very proud of what we have in the Black Canyon and is very amply reflected in these photos.

We can see how long it has been since we have had that national park. Today this step we are going to take is a historic step.

Mr. Speaker, I close my statement by thanking all of my fellow Members for their time, and I urge all of the Members of the House to vote yes in support of the passage of S. 323.

I would finally point out, again, this is a cooperative effort, bipartisan. It was the local control that was key. This project did not start in the United States Congress. This project started in the town of Montrose, Colorado, a wonderful community in western Colorado. That is where this project started, locally. They sat down, they formed a consensus. They went to their State officials, and then they came to their Federal officials.

It is a victory for all of us, and I am proud to be the representative, representing the State of Colorado, on the House floor carrying this bill.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, today we have a rare opportunity to build on one of the best ideas America has ever had. The creation of our national parks system has provided invaluable opportunities for the protection of our natural resources and for recreation and enjoyment of those resources by visitors from around the country and around the world.

The legislation before us will add a new park to the list, which includes places like Yellowstone, Yosemite, Grand Canyon, and Denali. We urge our colleagues to support it.

S. 323 will abolish the existing Black Canyon of the Gunnison National Monument in western Colorado and create in its place the Black Canyon of the Gunnison National Park, along with a new national conservation and wilderness area.

□ 1630

The redesignation of this monument is an important step because it will allow us to better protect the valuable natural and cultural resources that make this area unique.

Because our national parks are so special, however, this is not a step we take lightly. This new park will be significantly larger than the existing monument. The bill also adds approximately 4,500 acres to the park and authorizes the purchase of another 2,500 acres in the future. In addition, it creates a new 57,000 acre National Conservation Area, 18,000 acres of which will be designated as wilderness. With these additions, these new parks will offer a variety of resources, scenery and, recreational activities characteristic to our national parks.

In addition, this legislation deals with difficult land management issues such as grazing and the use of off-road vehicles in a way that is consistent with the long-term protection of this sensitive area. We are especially pleased that the legislation, as amended, now includes agreed-upon language with regard to use of off-road vehicles that is consistent with other national conservation area designations.

We would like to thank the sponsor of this legislation as well as the gentleman from Utah (Chairman HANSEN) and the gentleman from Alaska (Chairman YOUNG) for working with us to craft a bill we can all support.

I should also mention the role of another UDALL in making this new park a reality. The gentleman from Colorado (Mr. UDALL) and his staff played a critical role in perfecting this bill, and I know this new park means a great deal to the gentleman from Colorado and his constituents.

I urge my colleagues to support S. 323. I also would like to say to the gentleman from Colorado (Mr. MCINNIS) that this is a very important moment for the State of Colorado. It has been 85 years, and it is a very special moment for the State of Colorado. I think the gentleman from Colorado (Mr. MCINNIS) has played a very key role in this far-sighted piece of legislation that we pass today. It truly is, as the gentleman has said, a bipartisan effort with the gentleman from Colorado (Mr. UDALL), the gentleman from Colorado (Mr. MCINNIS), Senator BEN NIGHTHORSE CAMPBELL all working together through the Committee on Resources to see that this is done and now is a reality happening here on the House floor.

I would also like to thank all of the members of the staff of the Committee on Resources that have worked on this issue, and also Stan Sloss on the staff of the gentleman from Colorado (Mr. UDALL) I know has worked very hard.

Mr. UDALL of Colorado. Mr. Speaker, I support this bill. It is a measure of great importance to Colorado.

The Black Canyon National Monument is one of our State's treasures. Its establishment was a wise act of President Hoover that demonstrated the importance and value of the Antiquities Act. I am glad that we are moving today to build on that foundation by redesignating it as a National Park.

I am also very pleased that the bill includes designation of wilderness for nearby public lands managed by the Bureau of Land Management. As I've said before, I think we should make it a priority to act to protect the wilderness values of Colorado's BLM lands, and I hope that the Committee will soon consider further wilderness designations for those lands, such as those proposed by our colleague from the First District, Ms. DEGETTE.

As we considered the bill in the Resources Committee, I did have some concerns about some of its technical details. In particular, I was concerned that there might be some misunderstanding about how the bill would affect the status of water rights now held or claimed by the United States. I had been prepared to seek to amend the bill to clarify that point. However, thanks to the cooperation of the Subcommittee Chairman, Mr. HANSEN, language has been included in the Resources Committee's report on the bill that I think removes any possible misunderstanding.

As the report makes clear, section 10 of the bill is intended to assure that the existing water rights of the United States, conditional and absolute, are preserved unimpaired. The report also makes it clear that this bill will neither expand nor diminish the water rights held by the United States for the benefit of the monument and, upon enactment of this legislation, the national park, and that those federal water rights will retain both their priority date and their purposes. In addition, the report explains it is the existence of these federal water rights—and the fact that they will be transferred, unimpaired, to the new Black Canyon of the Gunnison National Park—that has led the Committee to conclude that the reservation of new federal water rights is unnecessary to protect the water-related values of the new national park, the new national conservation area, or the new wilderness designations.

I greatly appreciate the willingness of Chairman Hansen to work with me to make sure that the legislative history of this bill leaves no doubt about these very important points. I also am very glad that he and the other majority members of the Committee were willing to work with Mr. ROMERO-BARCELÓ, Mr. MILLER, and the rest of us on our side of the aisle to resolve questions about management of off-road vehicle use of some of the lands covered by this bill. The result is that the committee has been able to come to the House with a bill that enjoys broad, bipartisan support.

However, Mr. Speaker, there does remain one other matter of great importance to the future of this unit of the National Park System that is not directly addressed in the bill or the committee's report. It involves an imminent threat to the existing Black Canyon National Monument. It centers on a tract of land—about 120 acres—that's a non-federal inholding within the current Monument boundaries.

This tract isn't a remote, isolated one. It is just inside the National Monument boundary. The land slopes up and away from the canyon rim. The Monument's Superintendent says it's important for protecting the views from the canyon overlooks—the parts of the Monument that attract the most visitors. What's more, there's a road on the tract—a main road into the Monument, as a matter of fact. And, right now, beside that main Monument road, there's something else, something new. It's a billboard advertising building sites for trophy homes or for a commercial activity like a bed and breakfast. ''For sale,'' the billboard says, ''Beautiful canyon views,'' with ''World-class sunsets'' and ''year-round access on paved road.''

This is not a theory, Mr. Speaker. This is a fact. This is a threat to this park.

From talking to other members of our state's delegation, and from listening to what other Coloradans are saying, I am convinced that almost everyone agrees that this threat needs to be averted and that these lands need to be shielded from development. But it seems that there is disagreement about how to achieve that goal.

For myself, I think the simplest and best thing to do would be for the United States to acquire full title for that inholding by paying the owner its full fair market value—but nothing more. The National Park Service has told me that they share that view.

Toward that end, when the bill was considered by the Committee I sought to amend it to include language that would authorize and direct the Secretary of the Interior to acquire whatever interests in these 120 acres the Secretary determines desirable in order to protect the resources and values of the Black Canyon of the Gunnison.

As it happens, that language was not adopted by the Committee, and it is not part of the bill before us today. I still think its inclusion would have made this good bill even better. However, I have agreed to having this bill be considered today under conditions that will preclude any attempt to add such language through an amendment on the House floor.

My agreement to this procedure was prompted, first, by the request of other members of our Colorado delegation—particularly Representative McInnis and Senator Campbell—and also by other factors:

First, I think this legislation's prompt enactment is highly desirable—and while I don't think adoption of my amendment should slow its progress, I have reluctantly concluded that some of our colleagues in the House, as well as some members of the other body, may not be prepared to give this bill appropriate consideration if it were so amended.

Second, even without further legislation the Interior Department already has some authority to respond to this imminent threat to the integrity of the Black Canyon, even though under current law that authority does not include the power to condemn the full fee title to the inholding.

And, finally, I have been assured that the National Park Service is moving to respond to the threat.

Shortly after the Resources Committee completed its consideration of this bill I wrote to the Secretary of the Interior to urge that prompt action be taken to respond to this threat to the National Monument—and, in response, I now have been assured that the Interior Department and the National Park Service agree with me about the need to take

quick action and that they are initiating such action. For the record, I am including at the end of this statement the letters I have exchanged with the Interior Department and the National Park Service on this subject. As outlined in the letter to me from Denis Galvin (its Acting Director), the National Park Service is taking the necessary steps either to acquire full title to the inholding through an agreement with its owner or, in the alternative, to use its current authority to acquire a conservation easement to prevent incompatible development on the inholding.

Mr. Speaker, I hope that the National Park Service will not falter in this effort to protect the Black Canyon of the Gunnison—and I can assure the Service, our colleagues, and the people of Colorado that I am prepared to do all I can toward that same goal. As indicated in my letter to Director Stanton, I will do all I can, whether by way of new legislation or through seeking appropriation of necessary funds.

With regard to that question of funding, I recognize some may be concerned about the cost of heading off this threat. I understand that, and appreciate it. After all, we are talking about taxpayers' money.

But, Mr. Speaker, I would ask—what is the cost of doing nothing? What would be the cost to the Black Canyon if this land is transformed from open space into buildings? What would be the cost to the experience of visitors if this part of Colorado's countryside becomes yet another tract of trophy homes or commercial developments? I submit that those costs are not only hard to estimate—they are incalculable. I submit those costs would far exceed whatever money may have to come out of the Treasury to prevent that outcome.

And, I submit, legislation along the lines of the amendment I proposed in the Committee might well actually reduce the monetary cost to the taxpayers for protecting the Black Canyon.

Remember, under current law, the National Park Service can acquire full title to the lands only on whatever terms the owner will accept. Under my amendment, if there were an impasse over the fair market value of that full title, court would decide just what that value is, meaning how much the taxpayers are required to pay.

Without that kind of new authority, according to the letter to me from the Acting Director, the National Park Service likely would be required to pay about 90 percent of the same fair market value for a conservation easement that would prevent incompatible development but would leave an inholding to which there would be no established right of public access or use. I don't find that fully satisfactory for anyone—especially for the taxpayers—even though it would be better than allowing the development of these lands.

In conclusion, Mr. Speaker, while I think this bill would have been improved if the Committee had adopted my amendment it remains a good and important measure that deserves the approval of the House, and I urge its passage.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 12, 1999.

Hon. BRUCE BABBITT,
Secretary, Department of the Interior, Washington, DC.

DEAR SECRETARY BABBITT: I am writing to urge you to act to avert a serious threat to the integrity of the Black Canyon of the Gunnison National Monument.

As you know, Congress is currently considering legislation to elevate this monument to the status of a national park. On July 21, the House Resources Committee considered a bill (S. 323) to do that. I support this change in status, have been working to resolve some technical questions, and have voted to favorably report the bill to the full House.

Just before the Committee's consideration of the bill, it was learned that a tract of about 120 acres within the present boundaries of the monument has been acquired by a developer and is now being offered for sale for residential or commercial development. This property is bisected by a main road into the Monument and is in close proximity to the canyon rim. If houses or other structures were to be developed on these parcels, it would seriously affect the visual and environmental integrity of this National Park System unit and would seriously diminish the experience of visitors to this strikingly beautiful canyon.

In response, I sought to offer an amendment to authorize and direct you, as Secretary of the Interior, to acquire any and all interests in these lands that you might determine should be acquired in order to protect the resources and values of the Black Canyon.

As you know, under current law, the United States can acquire full title to these lands only with the agreement of the landowner, although lesser interests can be acquired in the absence of such agreement. In other words, full title can be acquired only upon the terms set by the developer. My amendment would have provided the National Park Service with full authority to acquire any and all interests in the land—for fair market value but not for whatever extortionate price might be demanded. While the Committee did not adopt this amendment, I stand ready to take further steps to protect the Black Canyon as may be appropriate. However, the bill has not yet reached the floor and, as you know, the House now has adjourned until September.

Under these circumstances, I think it is imperative for you to act promptly to address this serious situation, using authority currently available to the Department of the Interior if possible or by indicating what additional authority is required or would be desirable.

The Black Canyon of the Gunnison is one of the Colorado's crown jewels, and a national treasure as well. I feel sure you share my view that its protection is a matter of highest priority, and I look forward to your response to this urgent request.

Sincerely,

MARK UDALL.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, September 14, 1999.

Hon. MARK UDALL,
House of Representatives,
Washington, DC.

DEAR MR. UDALL: Thank you for your letter of August 12, 1999, to Secretary Babbitt. I agree with you that we need to take quick action to protect a tract of land within the boundary of Black Canyon of the Gunnison National Monument that is now being offered for sale by TDX, Inc. for residential or commercial development. As the National Park Trust recently identified, inholdings in many national park areas pose a variety of threats to the purposes for which the units were established.

The authorities available to the National Park Service to resolve land issues at Black Canyon of the Gunnison National Monument are constrained by existing law that requires us to purchase fee title only from willing sellers. Therefore our first approach to protect this 120 acres would be to file a complaint in condemnation for full free interest with consent from TDX, Inc. The National Park Service would put forth every effort to come to an agreement on the purchasing cost with TDX, Inc. However if TDX, Inc. is unwilling to sell in fee at the appraised price, an alternative would be to seek legislation to give the park the additional authority to settle this matter. Finally, if neither of the two previous actions work we would attempt to acquire a conservation easement for less than fee simple through the complaint in condemnation process. This last action would most likely require the National Park Service to pay approximately 90 percent of full fee value without gaining public access or use. While it would prevent incompatible development, TDX, Inc. would still own an inholding within the park.

We do not believe amending the legislation currently before Congress, S. 323, is the most effective solution. The sooner the present legislation passes, the more quickly we will be able to protect lands that are part of the proposed new boundary and prevent additional threats from developing. There are three tracts of private land, totaling 2,500 acres, within the proposed expansion area, each with a willing seller. Any delay to S. 323 could result in a change in ownership to an ''unwilling'' seller similar to TDX, Inc.

An independent appraisal for the TDX, Inc. parcel has been requested and we should have the results in the next 30 to 60 days. The fair market value of the property most likely will not meet the current asking price that may result in this action ending up in the courts for a final decision. Current appropriations most likely will not cover the cost of the TDX, Inc. acquisition. There are no funds appropriated for other available parcels called for in this legislation.

We are fully committed to the passage of S. 323 in this session, and to the protection of all resource values in Black Canyon of the Gunnison National Monument. It may take different methods to accomplish our goals. We are willing to work with you, as well as the rest of the Colorado delegation in order to do this in the best and most efficient way possible.

Sincerely,

ROBERT STANTON,
Acting Director.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 24, 1999.

Mr. ROBERT G. STANTON,
Director, National Park Service,
Washington, DC.

DEAR DIRECTOR STANTON: Thank you for Acting Director Galvin's response to my letter to Secretary Babbitt about the need to protect the integrity of the Black Canyon National Monument.

I am glad that the National Park Service and the Department of the Interior agree that quick action is needed to protect the TDX tract within the Monument, and that act toward that end is now underway. I also agree that acquisition of the full fee to the land pursuant to an agreement with TDX would be the optimal outcome.

At the same time, as your letter indicates, it's essential that the National Park Service be prepared to act to protect this unit of the National Park System even in the absence of such an agreement. I have been and remain prepared to seek adoption of legislation to provide the Service additional authority with respect to acquisition of these lands. However, it would be unrealistic to assume that such legislation could be enacted before Congress adjourns this fall. Therefore, it's imperative that the National Park Service continue all necessary preparations to use its existing authority to acquire a conservation easement on the TDX tract through the

condemnation process in the event that the Service does not reach an agreement for acquisition of the full title. You can be sure that I will do all I can to assist in that undertaking, including seeking appropriation of the necessary funds.

I look forward to continue working with you and the other members of Colorado's delegation in the Congress to protect the Black Canyon of the Gunnison and to complete action on the legislation that will establish it as a National Park.

Sincerely,

MARK UDALL.

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

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 323, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

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 it clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

PROVIDING FOR MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 944) to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

The Clerk read 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 clause (i) 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;

''(ee) the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakonie) located in Oklahoma;

''(ff) the Delaware Tribe of Western Oklahoma; or

''(gg) the Caddo Indian Tribe; and''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

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

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

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

Mr. SAXTON. Mr. Speaker, I rise in support of S. 944, legislation that would amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

Public Law 105–188 authorizes the Secretary of Interior to approve any mineral lease which affects an individually owned Indian tract of land within the Fort Berthold Indian Reservation in North Dakota if the majority of the Indian owners of the land consent and if the Secretary determines that the lease is in the best interest of the Indian owners. The lease would be binding on all owners of the leased track, and all owners would share proportionally in the proceeds from the lease.

S. 944 would expand this law to include Indian lands within the former reservations of the Comanche, Kiowa, Apache, Fort Sill Apache, Wichita, Keechi, Waco, and Tawakonie Indian Tribes in Oklahoma.

S. 944 supersedes a 1909 law which requires unanimous consent before these individually owned Indian lands can be leased for oil or gas development. This is an almost impossible standard to meet because ownership of these lands has become very fractionalized over time. In one proposed project in Oklahoma, over 619 Indian owners have been identified, with more yet to come.

The resultant economic loss to individual Indian owners as well as to Indian tribes has been significant. S. 944 would facilitate oil and gas exploration on these individual Indian-owned lands, which will provide much needed funds for the Indian owners of these tracts.

Unanimous consent is not required for leases of other natural resources on Indian lands such as timber and hard rock minerals. The administration supports S. 944 as do all the Indian tribes specified in the bill.

I urge my colleagues to support passage of this legislation.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, S. 944 would permit the execution of mineral extraction leases on individual Indian trust lands when more than 50 percent of owners agree to the lease. This bill will only affect about 8 tribes in the State of Oklahoma.

Under current law, more than 50 percent of owners need to approve a lease for agriculture or forestry purposes; however, 100 percent of owners need to approve a lease for mineral exploration. Due to the century-old Federal allotment policy, Indian-owned parcels of land can have dozens or, as we have heard, even more than that of owners. In many cases, not all owners can be found, while others may be tied up in a lengthy probate process.

This bill was passed by the Senate in August of this year and is supported by the Department of Interior. The gentleman from California (Mr. GEORGE MILLER), the senior Democratic member of the Committee on Resources, collected letters of support from each of the tribes whose members are included in this bill.

Similar legislation was passed last Congress with respect to mineral leases on the Fort Berthold Indian Reservation in North Dakota, and I ask my colleagues to support passage of this bill.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, as the House sponsor of this legislation, I rise in strong support of its passage. Simply put, this legislation will allow native American landowners to fully realize the benefits of their land.

Under current law, Indian lands possessed by more than one person will require the consent of 100 percent of the owners before mineral development can go forward. In many cases, this fractionated property is owned by more than 100 people. This makes it difficult, if not impossible, to locate all of the owners. Once found, potential developers must obtain their unanimous consent. As my colleagues can imagine, this has the effect of driving off development.

Last year, Congress lowered this requirement for the Three Affiliated Tribes of Fort Berthold Indian reservation for 50 percent. This brings the requirement in line with the regulations for non-Indian lands. Because of this, these tribes have seen development of many properties that were lying unused. This has been a great economic benefit to the reservation.

This bill will extend last year's legislation to seven Oklahoma tribes: the Comanche, Kiowa, Apache, Fort Sill Apache, Delaware, and the Wichita and Affiliated Tribes.

In Oklahoma, oil and gas development provides a significant part of the income that many Indian landowners receive. This legislation will have an

immediate impact to the tribal members that are affected by making their allotted lands more competitive for oil and gas leasing. This will give a huge boost to the economies of this area of southwest Oklahoma and provide a tremendous economic benefit to the various tribes.

This legislation will not only provide an economic benefit to those tribes, it will allow them to use the land and resources that are rightfully theirs.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 944.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GRANTING THE VIRGIN ISLANDS GREATER FISCAL AUTONOMY

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2841) to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GREATER FISCAL AUTONOMY.

(a) ISSUANCE.—Section 8(b)(ii)(A) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574(b)(ii)(A)) is amended—

(1) in the first sentence, by inserting after ''other evidence of indebtedness'' the following: '', including but not limited to notes in anticipation of the collection of taxes or revenues, '';

(2) by striking ''to construct, improve, extend'' and all that follows through ''*Provided*, That no public'' and inserting ''for any public purpose authorized by the legislature: *Provided*, That no such''; and

(3) by striking ''and payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest''

(b) TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 8(b)(ii)(B) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574(b)(ii)(B)) is repealed.

(2) REDESIGNATION.—Section 8(b)(ii)(C) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574(b)(ii)(C)) is redesignated as section 8(b)(ii)(B).

(3) REDUNDANT PROVISION.—Section 1 of Public Law 94–392 (90 Stat. 1193) is amended by striking subsection (d).

SEC. 2. AGREEMENT.

(a) IN GENERAL.—The Secretary of the Interior is authorized to enter into an agreement with the Governor of the Virgin Islands establishing mutually agreed financial accountability and performance standards for the fiscal operations of the Government of the Virgin Islands.

(b) TRANSMISSION TO CONGRESS.—Upon ratification of the agreement authorized in subsection (a) by both parties, the Secretary shall forward a copy of the agreement to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

SEC. 3. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), the amendments made by section 1 shall apply to those instruments of indebtedness issued by the Government of the Virgin Islands after the date of the enactment of this Act.

(b) EFFECT OF FAILURE TO REACH AGREEMENT.—If the agreement authorized in section 2(a) is not ratified by both parties on or before December 31, 1999, the amendments made by section 1—

(A) shall not apply to instruments of indebtedness issued by the Government of the Virgin Islands on or after December 31, 1999; and

(B) shall continue to apply to those instruments of indebtedness issued by the Government of the Virgin Islands after the date of the enactment of this Act and before December 31, 1999.

SEC. 4. CONSTRUCTION.

These amendments to the Revised Organic Act of the Virgin Islands are not intended to modify the internal revenue laws. Thus, the bonds authorized by this bill must comply with subsection (c) of section 149 of the Internal Revenue Code of 1986 (which requires the new bonds to comply with the appropriate requirements of the Internal Revenue Code).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

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

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

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

Mr. SAXTON. Mr. Speaker, I would like to commend the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for the great work that she has done in bringing this bill to the floor today.

Mr. Speaker, I rise in support of H.R. 2841, to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions. This bill will allow the Government of the Virgin islands to use new, flexible bonding authority to help them out of their current dire financial crisis. The new authority is conditioned on the Virgin Islands entering into an agreement committing to financial accountability and performance standards. This updated bonding authority is one way Congress can help the Virgin Islands to help themselves resolve their financial problems.

H.R. 2841 provides for: The Virgin Islands to enjoy the same fiscal authority of other states and territories for the issuance of general obligation bonds; a financial accountability and performance standards agreement to be concluded by the Government of the Virgin Islands and the Department of Interior; and the additional bonding authority to terminate if the financial accountability and performance standards agreement is not concluded by December 31, 1999.

Members should know that the amendments to the Virgin Islands Organic Act made by this bill are not intended to modify the internal revenue laws. Thus, the bonds authorized by H.R. 2841 must comply with subsection (c) of section 149 of the Internal Revenue Code of 1986. I thank Chairman ARCHER of the Ways and Means Committee and his staff as well as the Joint Committee on Taxation for their extraordinary cooperation in helping to schedule this bill today.

I urge my colleagues to support this measure.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. SAXTON) for his kind remarks and for joining me on the floor this afternoon for an explanation of H.R. 2481, to provide the Virgin Islands with greater fiscal autonomy consistent with other United States jurisdictions.

I want to thank the gentleman from Alaska (Mr. YOUNG), chairman, and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for their support on this bill and for their willingness to assist the Virgin Islands generally to recover from our fiscal difficulties.

Mr. Speaker, the Governor of the Virgin Islands requested that I introduce H.R. 2481 to make it less expensive for his administration to close on a planned financing to meet currently due obligations as well as to provide sufficient cash reserves to operate the territorial government while his deficit reduction plan and budget initiatives take effect.

Usually matters such as this one relating to the bonding authority to a particular State or territory are defined by local law. However, in the case of my district, the U.S. Virgin Islands, we have not yet adopted a constitution, and the Federal law which acts as our constitution does not give us the same general obligation bonding authority enjoyed by other local jurisdictions; thus the need for this bill which was reported out of Committee on Resources by a unanimous vote.

I also want to take this opportunity to discuss briefly the overall financial picture of the U.S. Virgin Islands, as further background.

We are presently wrestling with a large cumulative deficit which has developed over the last 10 years and an annual operating deficit which has brought the Territory close to the bridge of fiscal collapse. The causes are many, both internal and external.

As my colleagues know, we have been the victim of a series of hundred-year hurricanes which came at such a rate and pace that we have never been able to completely recover.

The toll that these natural disasters took on the private sector placed an extra burden on an already over-bloated government sector and increased the obstacles to our struggle to downsize or right-size.

Even though government revenues are still not where they should be because of the problems yet being faced by our private sector, steps are being put in place to reduce government spending and increase revenues in order to begin to reduce our deficit. Initiatives are also in progress to stimulate our economy.

The bill before us today is an important part of this effort. But there are other important areas in which we look to Congress for support and assistance.

The first is lifting the current cap on the return of Federal excise taxes on Virgin Islands-produced rum, as provided for in our Organic Act, or our working constitution. I cannot overstate the importance of the funds that lifting the rum cap would provide to the Virgin Islands. It is essential that we receive these additional funds if we are to have any success at all in recovering from the current fiscal crisis.

We have certainly appreciated the passage of my bill to revive a watch industry that has been the mainstay of employment for many on the island of St. Croix, and I thank my colleagues, but that will not be enough.

We also need for my colleagues to provide full funding to the territories under the Children's Health Insurance Program or CHIP. Full funding under CHIP to the territories, based on our populations, was proposed by the administration when the program first began. However, decisions made by this body as a result of the Balanced Budget Act of 1997, provided us with less than what is necessary to ensure that our children receive medical care, and this causes an undue strain on our already beleaguered local treasury.

□ 1645

Mr. Speaker, my colleague, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and I have a bill to provide full funding for the territories under CHIP, and I hope that all my colleagues will support its passage.

There are incipient discussions on several other initiatives for which, when further researched and developed, we may ask later for your assistance and support as well.

Mr. Speaker, H.R. 2841 would allow the government of the Virgin Islands to avoid a costly two-step financing arrangement. In the absence of such legislation, the outdated limitations in the Government's general obligation authority would cause the government of the Virgin Islands to incur extraordinary costs in excess of $6 million in order to complete this process.

Additionally, the new authority that the bill provides will expire on December 31, 1999, if the government of the Virgin Islands and the Secretary of the Interior do not reach an agreement on various fiscal and accountability standards for reducing the islands' deficit. I urge my colleagues to support this bill.

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

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume to note that, as the gentlewoman has just pointed out, this is a bill which is intended to provide, we hope, the economic stimulus necessary for the Virgin Islands to do a better job economically in order to benefit the constituents of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

But beyond that, I would like to say that the gentlewoman has worked so hard to bring this bill to the floor, and I hope that her constituents are mindful of the great effort that she has put into this bill. So, Mr. Speaker, at this time I would just like to commend her for it and ask all my colleagues to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume to just thank again the gentleman from Alaska (Mr. YOUNG), the ranking member of the committee, the gentleman from California (Mr. GEORGE MILLER), and my colleague, the gentleman from New Jersey (Mr. SAXTON), as well as my staff and the staff of the committee for the hard work in assisting me to get this bill to the floor today.

Mr. UNDERWOOD. Mr. Speaker, I rise to speak in favor of H.R. 2841 which provides the U.S. Virgin Islands (USVI) greater fiscal autonomy. I commend my colleague, Representative DONNA CHRISTENSEN for ensuring that the voices of the people of the USVI are heard in Congress. I also thank Chairman DON YOUNG and Ranking Member GEORGE MILLER for making certain that this legislation moved quickly and without resistance through the Committee.

As is the condition with most other U.S. Territories, such as Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands, the USVI is also experiencing financial difficulties. For the past several years, while the U.S. has been able to boast of low unemployment and increased revenues, the U.S. territories have not been as fortunate. For the economies of Guam and the CNMI, which are largely dependent on tourism, our downturn has been a condition of Asia's financial crisis. Other Territories remain diligent and continue to explore new ways to attract businesses to their island. The USVI, however, has been placed at a disadvantage of providing themselves the opportunity for more economic activity.

H.R. 2841 will help with USVI get back on their feet and provide them the opportunity to diversify and expand their economic opportunities. This same authority exists with other U.S. Territories but was not included in USVI's Revised Organic Act. H.R. 2481 corrects this oversight and extends them the ability already enjoyed by the other territories.

I encourage my colleagues to vote in favor of H.R. 2481.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2841, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2841, S. 944, S. 323, S. 293, and H.R. 1934, the five bills just debated.

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

There was no objection.

PRESERVING AFFORDABLE HOUSING FOR SENIOR CITIZENS AND FAMILIES INTO THE 21ST CENTURY ACT

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 202) to restructure the financing for assisted housing for senior citizens and otherwise provide for the preservation of such housing in the 21st Century, and for other purposes, as amended.

The Clerk read as follows:

H.R. 202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Regulations.
Sec. 3. Effective date.
TITLE I—CONVERSION OF FINANCING AND REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY
Sec. 101. Conversion of financing
Sec. 102. Prepayment and refinancing.
TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES
Sec. 201. Supportive housing for elderly persons.
Sec. 202. Supportive housing for persons with disabilities.
Sec. 203. Service coordinators and congregate services for elderly and disabled housing.
TITLE III—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES
Subtitle A—Housing for the Elderly
Sec. 301. Matching grant program.

Sec. 302. Eligibility of for-profit limited partnerships.
Sec. 303. Mixed funding sources.
Sec. 304. Authority to acquire structures.
Sec. 305. Mixed-income occupancy.
Sec. 306. Use of project reserves.
Sec. 307. Commercial activities.
Sec. 308. Mixed finance pilot program.
Sec. 309. Grants for conversion of elderly housing to assisted living facilities.
Sec. 310. Grants for conversion of public housing projects to assisted living facilities.
Sec. 311. Use of section 8 assistance for assisted living facilities.
Sec. 312. Annual HUD inventory of assisted housing designated for elderly persons.
Sec. 313. Treatment of applications.

Subtitle B—Housing for Persons With Disabilities

Sec. 321. Matching grant program.
Sec. 322. Eligibility of for-profit limited partnerships.
Sec. 323. Mixed funding sources.
Sec. 324. Tenant-based assistance.
Sec. 325. Project size.
Sec. 326. Use of project reserves.
Sec. 327. Commercial activities.

Subtitle C—Other Provisions

Sec. 341. Service coordinators.
Sec. 342. Commission on Affordable Housing and Health Care Facility Needs in the 21st Century.

TITLE IV—RENEWAL OF EXPIRING RENTAL ASSISTANCE CONTRACTS AND PROTECTION OF RESIDENTS

Sec. 401. Findings and purpose.
Sec. 402. Renewal of expiring contracts and enhanced vouchers for project residents.
Sec. 403. Section 236 assistance.
Sec. 404. Matching grant program for affordable housing preservation.
Sec. 405. Rehabilitation of assisted housing.
Sec. 406. Technical assistance.
Sec. 407. Termination of section 8 contract and duration of renewal contract.
Sec. 408. Enhanced voucher eligibility for residents of flexible subsidy properties.
Sec. 409. Enhanced disposition authority.
Sec. 410. Assistance for nonprofit purchasers preserving affordable housing.

TITLE V—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES AND HOME EQUITY CONVERSION MORTGAGES

Sec. 501. Rehabilitation of existing hospitals, nursing homes, and other facilities.
Sec. 502. New health care facilities.
Sec. 503. Hospitals and hospital-based health care facilities.
Sec. 504. Insurance for mortgages to refinance existing home equity conversion mortgages.

SEC. 2. REGULATIONS.

The Secretary of Housing and Urban Development shall issue any regulations to carry out this Act and the amendments made by this Act that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this Act and the amendments made by this Act are effective as of the date of the enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) EFFECT OF REGULATORY AUTHORITY.—Any authority in this Act or the amendments made by this Act to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this Act or the amendments made by this Act under such provisions and amendments and subsection (a) of this section.

TITLE I—CONVERSION OF FINANCING AND REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

SEC. 101. CONVERSION OF FINANCING

(a) IN GENERAL.—Subject to the provisions of this section, at the request of the owner of a project assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act) and section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)), the Secretary shall convert the financing of any such housing project to financing under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701q). In such a conversion, the Secretary shall, if requested by the owner, convert loans made under such section 202 (as in effect before enactment of the Cranston-Gonzalez National Affordable Housing Act), and shall convert section 8 contracts (or such other contracts for rental housing assistance) provided in connection with such loans, into capital advances and project rental assistance under section 202 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act), respectively, in accordance with this section.

(b) DEBT FORGIVENESS.—

(1) IN GENERAL.—Subject to paragraph (2), in converting the financing of any housing project pursuant to this section, the Secretary shall cancel any indebtedness to the Secretary relating to any remaining principal and interest under any loan for the project made under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act).

(2) BUDGET ACT COMPLIANCE.—The authority of the Secretary to cancel indebtedness under paragraph (1) shall be effective only to the extent or in such amounts as are or have been provided in advance in appropriation Acts.

(c) CANCELLATION OF RENTAL ASSISTANCE CONTRACTS AND USE OF PROJECT FUNDS.—

(1) IN GENERAL.—For each housing project for which debt is canceled under subsection (b) of this section pursuant to a request for conversion under subsection (a), the Secretary shall cancel any contract for rental assistance for the project under section 8 of the United States Housing Act of 1937 (or any other contract for rental housing assistance under a program of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)).

(2) USE OF UNEXPENDED AMOUNTS.—Amounts previously obligated for such contract that remain unexpended shall be used as follows:

(A) PROJECT RENTAL ASSISTANCE CONTRACT.—Remaining amounts shall be used first, to the extent necessary, to provide rental assistance for the project, under a contract for project rental assistance under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)), that—

(i) has a duration that is not less than the remainder of the section 8 or other rental housing assistance contract canceled; and

(ii) provides assistance in an annual amount that is equal to the aggregate amount provided during the last 12-month period under the section 8 or other rental housing assistance contract for the project canceled (pursuant to paragraph (1) of this subsection), less the portion of such assistance that is attributable to debt service for the loan on the project canceled under subsection (b) of this section, subject to an annual adjustment of existing rents under the contract by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment).

(B) CREDIT AGAINST LOAN CANCELLATION.—Amounts remaining after compliance with subparagraph (A) shall, on a fiscal year basis, be transferred to the account covering the loan for the project canceled pursuant to subsection (b) and shall be credited as offsetting collection to such account, in an amount for each fiscal year that is equal to the amount of indebtedness canceled for such year pursuant such subsection.

(C) RETROFITTING, RENOVATION, AND SERVICE COORDINATORS.—Any amounts remaining after compliance with subparagraphs (A) and (B) may be used, to the extent the Secretary considers appropriate, to retrofit or renovate the project or provide a service coordinator for residents of the project, to the same extent that such activities are authorized to be provided under section 802 of the Cranston-Gonzalez National Affordable Housing Act to housing assisted under such section.

Any such unexpended amounts in excess of the amount used in accordance with subparagraphs (A) through (C) shall be recaptured by the Secretary.

(3) USE OF PROJECT FUNDS.—In converting the financing of any housing project pursuant to this section, the Secretary may authorize the owner of the project to use any residual receipts held for the project that exceed $500 per unit (or such other amount as the Secretary may prescribe based on the needs of the project) in accordance with paragraph (2) to improve the market viability, affordability, or service to low-income elderly residents of the project.

(d) THIRD PARTY PROCESSING.—The Secretary may enter into contracts with public or private entities as the Secretary considers appropriate to facilitate efficient processing of elderly housing project conversions under this section.

(e) TENANT PROTECTIONS.—Notwithstanding any provision of section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701q)—

(1) any tenant who, at the time of the conversion under this section of the financing for a housing project, is lawfully residing in a dwelling unit in the project, may not be considered to be ineligible for continued residency in the project after such date because such tenant is not a very low-income elderly person; and

(2) very low-income persons with disabilities (as such term is defined in section 811 of the Cranston-Gonzalez National Affordable Housing Act) shall be eligible for occupancy

in such project, and units in the project shall be reserved for occupancy by such persons in not less than the same ratio that units in such project are occupied, upon the date of conversion under this section, by handicapped families (as such term is defined in section 202 of the Housing Act of 1959, as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act).

(f) WAIVER AUTHORITY.—The Secretary may waive the applicability of any provision of law or regulation necessary to carry out this section.

(g) STUDY OF DEBT FORGIVENESS.—

(1) IN GENERAL.—The Secretary shall conduct an analysis of the net impact on the Federal budget deficit or surplus of making available, on a one-time basis, to sponsors of projects assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), forgiveness of any indebtedness to the Secretary relating to any remaining principal and interest under loans made under such section, together with a dollar for dollar reduction in the amount of rental assistance under section 8 of the United States Housing Act of 1937 or other rental assistance provided for such project. Such analysis shall take into consideration the full cost of future appropriations for rental assistance under such section 8 expected to be provided if such debt forgiveness does not take place, notwithstanding current budgetary treatment of such actions pursuant to the Congressional Budget Act of 1974.

(2) REPORT.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress containing the quantitative results of the analysis and an enumeration of any project or administrative benefits of such actions.

SEC. 102. PREPAYMENT AND REFINANCING.

(a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) SOURCES OF REFINANCING.—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) USE OF UNEXPENDED AMOUNTS.—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than one such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata allocation of shared savings resulting from the refinancing.

(d) USE OF CERTAIN PROJECT FUNDS.—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of $500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of $1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) BUDGET ACT COMPLIANCE.—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

SEC. 201. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following new subsection:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section $700,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001, 2002, 2003, and 2004. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (c)(4) (relating to matching funds), except that if there insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section.''.

SEC. 202. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following new subsection:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section $225,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001, 2002, 2003, and 2004. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (d)(5) (relating to matching funds), except that if there insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section.''.

SEC. 203. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FEDERALLY ASSISTED HOUSING.—There is authorized to be appropriated to the Secretary of Housing and Urban Development $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002, for the following purposes:

(1) GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

(b) PUBLIC HOUSING.—There is authorized to be appropriated to the Secretary of Housing and Urban Development for fiscal year 2000 for grants for use only for activities described in paragraph (2) of section 34(b) of the United States Housing Act of 1937 (42 U.S.C. 1437z–6(b)(2))—

(1) such sums as may be necessary for renewal of all grants made in prior fiscal years for providing service coordinators and congregate services for the elderly and disabled in public housing; and

(B) $11,000,000 for grants in addition to such renewal grants.

TITLE III—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Subtitle A—Housing for the Elderly

SEC. 301. MATCHING GRANT PROGRAM.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), in the second sentence, by inserting ''or through matching grants under subsection (c)(4)'' after ''subsection (c)(1)''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(4) MATCHING GRANTS.—

''(A) IN GENERAL.—Amounts made available for assistance under this paragraph shall be used only for capital advances in accordance with paragraph (1), except that the Secretary shall require that, as a condition of providing assistance under this paragraph for a project, the applicant for assistance shall supplement the assistance with amounts from sources other than this section in an amount that is not less than 25 to 50 percent (as the Secretary may determine) of the amount of assistance provided pursuant to this paragraph for the project.

''(B) REQUIREMENT FOR NON-FEDERAL FUNDS.—Not less than 50 percent of supplemental amounts provided for a project pursuant to subparagraph (A) shall be from non-Federal sources. Such supplemental amounts may include the value of any in-kind contributions, including donated land, structures, equipment, and other contributions as the Secretary considers appropriate, but only if the existence of such in-kind contributions results in the construction of

more dwelling units than would have been constructed absent such contributions.

''(C) INCOME ELIGIBILITY.—Notwithstanding any other provision of this section, the Secretary shall provide that, in a project assisted under this paragraph, a number of dwelling units may be made available for occupancy by elderly persons who are not very low-income persons in a number such that the ratio that the number of dwelling units in the project so occupied bears to the total number of units in the project does not exceed the ratio that the amount from non-Federal sources provided for the project pursuant to this paragraph bears to the sum of the capital advances provided for the project under this paragraph and all supplemental amounts for the project provided pursuant to this paragraph.''.

SEC. 302. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by adding after and below subparagraph (C) the following new sentence:

''Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C) and a corporation wholly owned by an organization meeting the requirements under subparagraphs (A), (B), and (C).''.

SEC. 303. MIXED FUNDING SOURCES.

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended by striking ''non-Federal sources'' and inserting ''sources other than this section''.

SEC. 304. AUTHORITY TO ACQUIRE STRUCTURES.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking ''from the Resolution Trust Corporation''; and

(2) in subsection (h)(2)—

(A) in the heading for subparagraph (A), by striking ''RTC PROPERTIES'' and inserting ''ACQUISITION''; and

(B) by striking ''from the Resolution'' and all that follows through ''Insurance Act''.

SEC. 305. MIXED-INCOME OCCUPANCY.

(a) IN GENERAL.—The first sentence of section 202(i)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(i)(1)) is amended by striking ''and (B)'' and inserting the following: ''(B) notwithstanding clause (A) and in the case only of a supportive housing project for the elderly which has a high vacancy level (as such term is defined by the Secretary, but which shall not include vacancy upon the initial availability of units in a building), consistent with the purpose of improving housing opportunities for very low- and low-income elderly persons; and (C).''.

(b) AVAILABILITY OF UNITS.—Section 202(i) of the Housing Act of 1959 (12 U.S.C. 1701q(i)) is amended by adding at the end the following new paragraph:

''(3) AVAILABILITY OF UNITS.—In the case of a supportive housing project described in subsection (i)(1)(B) that has a vacant dwelling unit, an owner may not make a dwelling unit available for occupancy by, nor make any commitment to provide occupancy in the unit to, a low-income family that is not a very low-income family unless each eligible very low-income family that has applied for occupancy in the project has been offered an opportunity to accept occupancy in a unit in the project.''.

(b) CONFORMING AMENDMENTS.—Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting after ''elderly persons'' the following: '', and for low-income elderly persons to the extent such occupancy is made available pursuant to subsection (i)(1)(B),'';

(B) in the first sentence of paragraph (2), by inserting after ''elderly persons'' the following: ''or by low-income elderly persons (to the extent such occupancy is made available pursuant to subsection (i)(1)(B))''; and

(C) in paragraph (3), by inserting after ''very low-income person'' the following: ''or a low-income person (to the extent such occupancy is made available pursuant to subsection (i)(1)(B))'';

(2) in subsection (d)(1), by inserting after ''elderly persons'' the following: '', and low-income elderly persons to the extent such occupancy is made available pursuant to subsection (i)(1)(B),''; and

(3) in subsection (k)—

(A) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) LOW-INCOME.—The term 'low-income' has the same meaning given the term 'low-income families' under section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).''.

SEC. 306. USE OF PROJECT RESERVES.

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following new paragraph:

''(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.''.

SEC. 307. COMMERCIAL ACTIVITIES.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following new sentence: ''Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located.''.

SEC. 308. MIXED FINANCE PILOT PROGRAM.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall carry out a pilot program under this section to determine the effectiveness and feasibility of providing assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for housing projects that are used both for supportive housing for the elderly and for other types of housing, which may include market rate housing.

(b) SCOPE.—Under the pilot program the Secretary shall provide, to the extent that sufficient approvable applications for such assistance are received, assistance in the manner provided under subsection (d) for not more than 5 housing projects.

(c) MIXED USE.—The Secretary shall require, for a project to be assisted under the pilot program—

(1) that a portion of the dwelling units in the project be reserved for use in accordance with, and subject to, the requirements applicable to units assisted under section 202 of the Housing Act of 1959; and

(2) that the remainder of the dwelling units be used for other purposes.

(d) FINANCING.—The Secretary may use amounts provided for assistance under section 202 of the Housing Act of 1959 for assistance under the pilot program for capital advances in accordance with subsection (d)(1) of such section and project rental assistance in accordance with subsection (d)(2) of such section, only for dwelling units described in subsection (c)(1) of this section. Any assistance provided pursuant to subsection (d)(1) of such section 202 shall be provided in the form of a capital advance, subject to repayment as provided in such subsection, and shall not be structured as a loan. The Secretary shall take such action as may be necessary to ensure that the repayment contingency under such subsection is enforceable for projects assisted under the pilot program and to provide for appropriate protections of the interests of the Secretary in relation to other interests in the projects so assisted.

(e) WAIVER AUTHORITY.—Notwithstanding subsection (c)(1) of this section, the Secretary may waive the applicability of any provision of section 202 of the Housing Act of 1959 for any project assisted under the pilot program under this section as may be appropriate to carry out the program, except to the extent inconsistent with this section.

SEC. 309. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.

Title II of the Housing Act of 1959 is amended by inserting after section 202a (12 U.S.C. 1701q–1) the following new section:

''SEC. 202b. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.

''(a) GRANT AUTHORITY.—The Secretary of Housing and Urban Development may make grants in accordance with this section to owners of eligible projects described in subsection (b) for one or both of the following activities:

''(1) REPAIRS.—Substantial capital repairs to a project that are needed to rehabilitate, modernize, or retrofit aging structures, common areas, or individual dwelling units.

''(2) CONVERSION.—Activities designed to convert dwelling units in the eligible project to assisted living facilities for elderly persons.

''(b) ELIGIBLE PROJECTS.—An eligible project described in this subsection is a multifamily housing project that is—

''(1) described in subparagraph (B), (C), (D), (E), (F), or (G) of section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2)), or (B) only to the extent amounts of the Department of Agriculture are made available to the Secretary of Housing and Urban Development for such grants under this section for such projects, subject to a loan made or insured under section 515 of the Housing Act of 1949 (42 U.S.C. 1485);

''(2) owned by a private nonprofit organization (as such term is defined in section 202); and

''(3) designated primarily for occupancy by elderly persons.

Notwithstanding any other provision of this subsection or this section, an unused or underutilized commercial property may be considered an eligible project under this subsection, except that the Secretary may not provide grants under this section for more 3 such properties. For any such projects, any reference under this section to dwelling units shall be considered to refer to the premises of such properties.

''(c) APPLICATIONS.—Applications for grants under this section shall be submitted to the Secretary in accordance with such procedures as the Secretary shall establish. Such applications shall contain—

''(1) a description of the substantial capital repairs or the proposed conversion activities for which a grant under this section is requested;

''(2) the amount of the grant requested to complete the substantial capital repairs or conversion activities;

''(3) a description of the resources that are expected to be made available, if any, in conjunction with the grant under this section; and

''(4) such other information or certifications that the Secretary determines to be necessary or appropriate.

''(d) FUNDING FOR SERVICES.—The Secretary may not make a grant under this section for conversion activities unless the application contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility, which may be provided by third parties.

''(e) SELECTION CRITERIA.—The Secretary shall select applications for grants under this section based upon selection criteria, which shall be established by the Secretary and shall include—

''(1) in the case of a grant for substantial capital repairs, the extent to which the project to be repaired is in need of such repair, including such factors as the age of improvements to be repaired, and the impact on the health and safety of residents of failure to make such repairs;

''(2) in the case of a grant for conversion activities, the extent to which the conversion is likely to provide assisted living facilities that are needed or are expected to be needed by the categories of elderly persons that the assisted living facility is intended to serve, with a special emphasis on very low-income elderly persons who need assistance with activities of daily living;

''(3) the inability of the applicant to fund the repairs or conversion activities from existing financial resources, as evidenced by the applicant's financial records, including assets in the applicant's residual receipts account and reserves for replacement account;

''(4) the extent to which the applicant has evidenced community support for the repairs or conversion, by such indicators as letters of support from the local community for the repairs or conversion and financial contributions from public and private sources;

''(5) in the case of a grant for conversion activities, the extent to which the applicant demonstrates a strong commitment to promoting the autonomy and independence of the elderly persons that the assisted living facility is intended to serve;

''(6) in the case of a grant for conversion activities, the quality, completeness, and managerial capability of providing the services which the assisted living facility intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing, and on-site health care; and

''(7) such other criteria as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively.

''(f) DEFINITIONS.—For the purposes of this section—

''(1) the term 'assisted living facility' has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)); and

''(2) the definitions in section 202(k) shall apply.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing grants under this section such sums as may be necessary for each of fiscal years 2000, 2001, 2002, 2003, and 2004.''.

SEC. 310. GRANTS FOR CONVERSION OF PUBLIC HOUSING PROJECTS TO ASSISTED LIVING FACILITIES.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

''SEC. 36. GRANTS FOR CONVERSION OF PUBLIC HOUSING TO ASSISTED LIVING FACILITIES.

''(a) GRANT AUTHORITY.—The Secretary may make grants in accordance with this section to public housing agencies for use for activities designed to convert dwelling units in an eligible projects described in subsection (b) to assisted living facilities for elderly persons.

''(b) ELIGIBLE PROJECTS.—An eligible project described in this subsection is a public housing project (or a portion thereof) that has been designated under section 7 for occupancy only by elderly persons.

''(c) APPLICATIONS.—Applications for grants under this section shall be submitted to the Secretary in accordance with such procedures as the Secretary shall establish. Such applications shall contain—

''(1) a description of the proposed conversion activities for which a grant under this section is requested;

''(2) the amount of the grant requested;

''(3) a description of the resources that are expected to be made available, if any, in conjunction with the grant under this section; and

''(4) such other information or certifications that the Secretary determines to be necessary or appropriate.

''(d) FUNDING FOR SERVICES.—The Secretary may not make a grant under this section unless the application contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility.

''(e) SELECTION CRITERIA.—The Secretary shall select applications for grants under this section based upon selection criteria, which shall be established by the Secretary and shall include—

''(1) the extent to which the conversion is likely to provide assisted living facilities that are needed or are expected to be needed by the categories of elderly persons that the assisted living facility is intended to serve;

''(2) the inability of the public housing agency to fund the conversion activities from existing financial resources, as evidenced by the agency's financial records;

''(3) the extent to which the agency has evidenced community support for the conversion, by such indicators as letters of support from the local community for the conversion and financial contributions from public and private sources;

''(4) extent to which the applicant demonstrates a strong commitment to promoting the autonomy and independence of the elderly persons that the assisted living facility is intended to serve;

''(5) the quality, completeness, and managerial capability of providing the services which the assisted living facility intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing, and on-site health care; and

''(6) such other criteria as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively.

''(f) DEFINITION.—For the purposes of this section, the term 'assisted living facility' has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing grants under this section such sums as may be necessary for each of fiscal years 2000, 2001, 2002, 2003, and 2004.''.

SEC. 311. USE OF SECTION 8 ASSISTANCE FOR ASSISTED LIVING FACILITIES.

(a) VOUCHER ASSISTANCE.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

''(18) RENTAL ASSISTANCE FOR ASSISTED LIVING FACILITIES.—

''(A) IN GENERAL.—A public housing agency may make assistance payments on behalf of a family that uses an assisted living facility as a principal place of residence and that uses such supportive services made available in the facility as the agency may require. Such payments may be made only for covering costs of rental of the dwelling unit in the assisted living facility and not for covering any portion of the cost of residing in such facility that is attributable to service relating to assisted living.

''(B) RENT CALCULATION.—

''(i) CHARGES INCLUDED.—For assistance pursuant to this paragraph, the rent of the dwelling unit that is a assisted living facility with respect to which assistance payments are made shall include maintenance and management charges related to the dwelling unit and tenant-paid utilities. Such rent shall not include any charges attributable to services relating to assisted living.

''(ii) PAYMENT STANDARD.—In determining the monthly assistance that may be paid under this paragraph on behalf of any family residing in an assisted living facility, the public housing agency shall utilize the payment standard established under paragraph (1), for the market area in which the assisted living facility is located, for the applicable size dwelling unit.

''(iii) MONTHLY ASSISTANCE PAYMENT.—The monthly assistance payment for a family assisted under this paragraph shall be determined in accordance with paragraph (2) (using the rent and payment standard for the dwelling unit as determined in accordance with this subsection).

''(C) DEFINITION.—For the purposes of this paragraph, the term 'assisted living facility' has the meaning given that term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)), except that such a facility may be contained within a portion of a larger multifamily housing project.''.

(b) PROJECT-BASED ASSISTANCE.—Section 202b of the Housing Act of 1959, as added by section 2 of this Act, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

''(f) SECTION 8 PROJECT-BASED ASSISTANCE.—

''(1) ELIGIBILITY.—Notwithstanding any other provision of law, a multifamily project which includes one or more dwelling units that have been converted to assisted living facilities using grants made under this section shall be eligible for project-based assistance under section 8 of the United States Housing Act of 1937, in the same manner in which the project would be eligible for such assistance but for the assisted living facilities in the project.

''(2) CALCULATION OF RENT.—For assistance pursuant to this subsection, the maximum monthly rent of a dwelling unit that is an assisted living facility with respect to which assistance payments are made shall not include charges attributable to services relating to assisted living.''.

SEC. 312. ANNUAL HUD INVENTORY OF ASSISTED HOUSING DESIGNATED FOR ELDERLY PERSONS.

Subtitle D of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13611 et seq.) is amended by adding at the end the following new section:

''SEC. 662. ANNUAL INVENTORY OF ASSISTED HOUSING DESIGNATED FOR ELDERLY PERSONS.

''(a) IN GENERAL.—The Secretary shall establish and maintain, and on an annual basis shall update and publish, an inventory of housing that—

''(1) is assisted under a program of the Department of Housing and Urban Development, including all federally assisted housing; and

''(2) is designated, in whole or in part, for occupancy by elderly families or disabled families, or both.

''(b) CONTENTS.—The inventory required under this section shall identify housing described in subsection (a) and the number of dwelling units in such housing that—

''(1) are in projects designated for occupancy only by elderly families;

''(2) are in projects designated for occupancy only by disabled families;

''(3) contain special features or modifications designed to accommodate persons with disabilities and are in projects designated for occupancy only by disabled families;

''(4) are in projects for which a specific percentage or number of the dwelling units are designated for occupancy only by elderly families;

''(5) are in projects for which a specific percentage or number of the dwelling units are designated for occupancy only by disabled families; and

''(6) are in projects designed for occupancy only by both elderly or disabled families.

''(c) PUBLICATION.—The Secretary shall annually publish the inventory required under this section in the Federal Register and shall make the inventory available to the public by posting on a World Wide Web site of the Department.''.

SEC. 313. TREATMENT OF APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any regulation of the Secretary of Housing and Urban Development, in the case of any denial of an application for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for failure to timely provide information required by the Secretary, the Secretary shall notify the applicant of the failure and provide the applicant an opportunity to show that the failure was due to the failure of a third party to provide information under the control of the third party. If the applicant demonstrates, within a reasonable period of time after notification of such failure, that the applicant did not have such information but requested the timely provision of such information by the third party, the Secretary may not deny the application on the grounds of failure to timely provide such information.

(b) APPLICABILITY.—This section shall have no force or effect after the expiration of the 12-month period beginning on the date of the enactment of this Act.

Subtitle B—Housing for Persons With Disabilities

SEC. 321. MATCHING GRANT PROGRAM.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (b)(2)(A), by inserting ''or through matching grants under subsection (d)(5)'' after ''subsection (d)(1)''; and

(2) in subsection (d), by adding at the end the following new paragraph:

''(5) MATCHING GRANTS.—

''(A) IN GENERAL.—Amounts made available for assistance under this paragraph shall be used only for capital advances in accordance with paragraph (1), except that the Secretary shall require that, as a condition of providing assistance under this paragraph for a project, the applicant for assistance shall supplement the assistance with amounts from sources other than this section in an amount that is not less than 25 to 50 percent (as the Secretary may determine) of the amount of assistance provided pursuant to this paragraph for the project.

''(B) REQUIREMENT FOR NON-FEDERAL FUNDS.—Not less than 50 percent of supplemental amounts provided for a project pursuant to subparagraph (A) shall be from non-Federal sources. Such supplemental amounts may include the value of any in-kind contributions, including donated land, structures, equipment, and other contributions as the Secretary considers appropriate, but only if the existence of such in-kind contributions results in the construction of more dwelling units than would have been constructed absent such contributions.

''(C) INCOME ELIGIBILITY.—Notwithstanding any other provision of this section, the Secretary shall provide that, in a project assisted under this paragraph, a number of dwelling units may be made available for occupancy by persons with disabilities who are not very low-income persons in a number such that the ration that the number of dwelling units in the project so occupied bears to the total number of units in the project does not exceed the ratio that the amount from non-Federal sources provided for the project pursuant to this paragraph bears to the sum of the capital advances provided for the project under this paragraph and all supplemental amounts for the project provided pursuant to this paragraph.''.

SEC. 322. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by adding after and below subparagraph (D) the following new sentence:

''Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) and a corporation wholly owned by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).''.

SEC. 323. MIXED FUNDING SOURCES.

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended by striking ''non-Federal sources'' and inserting ''sources other than this section''.

SEC. 324. TENANT-BASED ASSISTANCE.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following new paragraph:

''(4) TENANT-BASED RENTAL ASSISTANCE.—

''(A) ADMINISTERING ENTITIES.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved an plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the purposes of providing such tenant-based rental assistance.

''(B) PROGRAM RULES.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

''(C) ALLOCATION OF ASSISTANCE.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937.''; and

(2) in subsection (l)(1)—

(A) by striking ''subsection (b)'' and inserting ''subsection (b)(2)'';

(B) by striking the last comma and all that follows through ''subsection (n)''; and

(C) by inserting after the last period the following new sentence: ''Notwithstanding any other provision of this section, the Secretary may use not more than 25 percent of the total amounts made available for assistance under this section for any fiscal year for tenant-based rental assistance under subsection (b)(1) for persons with disabilities, and no authority of the Secretary to waive provisions of this section may be used to alter the percentage limitation under this sentence.''.

SEC. 325. PROJECT SIZE.

(a) LIMITATION.—Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (k)(4), by inserting '', subject to the limitation under subsection (h)(6)'' after ''prescribe''; and

(2) in subsection (l), by adding at the end the following new paragraph:

''(4) SIZE LIMITATION.—Of any amounts made available for any fiscal year and used for capital advances or project rental assistance under paragraphs (1) and (2) of subsection (d), not more than 25 percent may be used for supportive housing which contains more than 24 separate dwelling units.''.

(b) STUDY.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study and submit a report to the Congress regarding—

(1) the extent to which the authority of the Secretary under section 811(k)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(4)), as in effect immediately before the enactment of this Act, has been used in each year since 1990 to provide for assistance under such section for supportive housing for persons with disabilities having more than 24 separate dwelling units;

(2) the per-unit costs of, and the benefits and problems associated with, providing such housing in projects having 8 or less dwelling units, 8 to 24 units, and more than 24 units; and

(3) the per-unit costs of, and the benefits and problems associated with providing housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) in projects having 30 to 50 dwelling units, in projects having more than 50 but not more than 80 dwelling units, in projects having more than 80 but not more than 120 dwelling units, and in projects having more than 120 dwelling units, but the study shall also examine the social considerations afforded by smaller and moderate-size developments and shall not be limited to economic factors.

SEC. 326. USE OF PROJECT RESERVES.

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following new paragraph:

''(7) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.''.

SEC. 327. COMMERCIAL ACTIVITIES.

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following new sentence: ''Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities

for the benefit of residents of the project and the community in which the project is located.''.

Subtitle C—Other Provisions

SEC. 341. SERVICE COORDINATORS.

(a) INCREASED FLEXIBILITY FOR USE OF SERVICE COORDINATORS IN CERTAIN FEDERALLY ASSISTED HOUSING.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking **''MULTIFAMILY HOUSING ASSISTED UNDER THE NATIONAL HOUSING ACT''** and inserting **''CERTAIN FEDERALLY ASSISTED HOUSING''**;

(2) in subsection (a)—

(A) in the first sentence, by striking ''(E) and (F)'' and inserting ''(B), (C), (D), (E), (F), and (G)''; and

(B) in the last sentence—

(i) by striking ''section 661'' and inserting ''section 671''; and

(ii) by adding after the period at the end the following new sentence: ''A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled families living in the vicinity of such project.'';

(3) in subsection (d)—

(A) by striking ''(E) or (F)'' and inserting ''(B), (C), (D), (E), (F), or (G)''; and

(B) by striking ''section 661'' and inserting ''section 671''; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) REQUIREMENT TO PROVIDE SERVICE COORDINATORS.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking ''to carry out this subtitle pursuant to the amendments made by this subtitle'' and inserting the following: ''for providing service coordinators under this section'';

(2) in subsection (d), by inserting ''(''' after ''section 683(2)''; and

(3) by adding at the end following new subsection:

''(e) SERVICES FOR LOW-INCOME ELDERLY OR DISABLED FAMILIES RESIDING IN VICINITY OF CERTAIN PROJECTS.—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.''.

(c) PROTECTION AGAINST TELEMARKETING FRAUD.—

(1) SUPPORTIVE HOUSING FOR THE ELDERLY.—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking ''and (F)'' and inserting the following: ''(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)''.

(2) OTHER FEDERALLY ASSISTED HOUSING.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after ''response,'' the following: ''providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under subsection (f),''; and

(B) by adding at the end the following new subsection:

''(f) PROTECTION AGAINST TELEMARKETING FRAUD.—

''(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards for service coordinators in federally assisted housing who are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

''(2) CONTENTS.—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

''(A) informs such residents of (i) the prevalence of telemarketing fraud targeted against elderly persons; (ii) how telemarketing fraud works; (iii) how to identify telemarketing fraud; (iv) how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers; (v) how to report suspected attempts at telemarketing fraud; and (vi) their consumer protection rights under Federal law;

''(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

''(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall consider on-site presentations at federally assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on 'mooch lists' confiscated from fraudulent telemarketers.''.

SEC. 342. COMMISSION ON AFFORDABLE HOUSING AND HEALTH CARE FACILITY NEEDS IN THE 21ST CENTURY.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Affordable Housing and Health Care Facility Needs in the 21st Century (in this section referred to as the ''Commission''.

(b) STUDY.—The duty of the Commission shall be to conduct a study that—

(1) compiles and interprets information regarding the expected increase in the population of persons 62 years of age or older, particularly information regarding distribution of income levels, homeownership and home equity rates, and degree or extent of health and independence of living;

(2) provides an estimate of the future needs of seniors for affordable housing and assisted living and health care facilities;

(3) provides a comparison of estimate of such future needs with an estimate of the housing and facilities expected to be provided under existing public programs, and identifies possible actions or initiatives that may assist in providing affordable housing and assisted living and health care facilities to meet such expected needs;

(4) identifies and analyzes methods of encouraging increased private sector participation, investment, and capital formation in affordable housing and assisted living and health care facilities for seniors through partnerships between public and private entities and other creative strategies;

(5) analyzes the costs and benefits of comprehensive aging-in-place strategies, taking into consideration physical and mental well-being and the importance of coordination between shelter and supportive services;

(6) identifies and analyzes methods of promoting a more comprehensive approach to dealing with housing and supportive service issues involved in aging and the multiple governmental agencies involved in such issues, including the Department of Housing and Urban Development and the Department of Health and Human Services; and

(7) examines how to establish intergenerational learning and care centers and living arrangements, in particular to facilitate appropriate environments for families consisting only of children and a grandparent or grandparents who are the head of the household.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 14 members, appointed not later than January 1, 2000, as follows:

(A) 2 co-chairpersons, of whom—

(i) 1 co-chairperson shall be appointed by a committee consisting of the chairman of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the chairman of the Subcommittee on Housing and Transportation of the Senate, and the chairmen of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate; and

(ii) 1 co-chairperson shall be appointed by a committee consisting of the ranking minority member of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the ranking minority member of the Subcommittee on Housing and Transportation of the Senate, and the ranking minority members of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate.

(B) 6 members appointed by the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Committee on Appropriations of the House of Representatives.

(C) 6 members appointed by the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Committee on Appropriations of the Senate.

(2) QUALIFICATIONS.—Appointees should have proven expertise in directing, assembling, or applying capital resources from a variety of sources to the successful development of affordable housing, assisted living facilities, or health care facilities.

(3) VACANCIES.—Any vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made.

(4) CHAIRPERSONS.—The members appointed pursuant to paragraph (1)(A) shall serve as co-chairpersons of the Commission.

(5) PROHIBITION OF PAY.—Members of the Commission shall serve without pay.

(6) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(7) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(8) MEETINGS.—The Commission shall meet at the call of the Chairpersons.

(d) DIRECTOR AND STAFF.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(2) STAFF.—The Commission may appoint personnel as appropriate. The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairpersons of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(7) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(f) REPORT.—The Commission shall submit to the Committees on Banking and Financial Services and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate, a final report not later than December 31, 2001. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to the study conducted under subsection (b), together with its recommendations for legislation, administrative actions, and any other actions the Commission considers appropriate.

(g) FUNDING.—Of any amounts appropriated for fiscal year 2000 to carry out title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.) $500,000 shall be available to the Commission for carrying out this section.

(h) TERMINATION.—The Commission shall terminate on June 30, 2002. Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Commission.

TITLE IV—RENEWAL OF EXPIRING RENTAL ASSISTANCE CONTRACTS AND PROTECTION OF RESIDENTS

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) there exists throughout the United States a need for decent, safe and affordable housing;

(2) affordable housing is critical to the well-being of seniors, persons with disabilities, and vulnerable families;

(3) an unprecedented number of contracts for Federal rental assistance are expiring now and will expire in the near future;

(4) a significant number of private owners of affordable housing developments are choosing to not renew their subsidy contracts with the Federal government;

(5) in cases where assistance contracts are not renewed, rent levels in the affected developments may rise dramatically;

(6) a significant number of residents in these developments are seniors or persons with disabilities or are otherwise vulnerable because of scarcity of available affordable housing in the neighborhood, and have little or no means of paying additional rent from personal income, putting at risk what have been their homes for almost a quarter of a century; and

(7) the Federal Government should continue to work to ensure that those least able to provide for themselves enjoy the protection and welfare of the people of the United States.

(b) PURPOSE.—The purpose of this title is to protect seniors, persons with disabilities, and other vulnerable residents of affordable housing and to help provide those residents with peace of mind and security for living—

(1) by providing greater rental assistance flexibility to ensure that vulnerable populations are not forced to move from their homes when rent levels rise; and

(2) where appropriate, by encouraging private owners of affordable housing developments to continue serving low-income families by providing appropriate levels of Federal resources, by allowing greater flexibility for refinancing, and by ensuring more effective administration by the Federal Government of rental assistance contract renegotiations.

SEC. 402. RENEWAL OF EXPIRING CONTRACTS AND ENHANCED VOUCHERS FOR PROJECT RESIDENTS.

(a) IN GENERAL.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

"SEC. 524. RENEWAL OF EXPIRING PROJECT-BASED SECTION 8 CONTRACTS.

''(a) IN GENERAL.—

''(1) RENEWAL.—Subject to paragraph (2), upon termination or expiration of a contract for project-based assistance under section 8 for a multifamily housing project (and notwithstanding section 8(v) of the United States Housing Act of 1937 for loan management assistance), the Secretary shall, at the request of the owner of the project and to the extent sufficient amounts are made available in appropriation Acts, use amounts available for the renewal of assistance under section 8 of such Act to provide such assistance for the project. The assistance shall be provided under a contract having such terms and conditions as the Secretary considers appropriate, subject to the requirements of this section. This section shall not require contract renewal for a project that is eligible under this subtitle for a mortgage restructuring and rental assistance sufficiency plan, if there is no approved plan for the project and the Secretary determines that such an approved plan is necessary.

''(2) PROHIBITION ON RENEWAL.—Notwithstanding part 24 of title 24 of the Code of Federal Regulations, the Secretary may elect not to renew assistance for a project otherwise required to be renewed under paragraph (1) or provide comparable benefits under paragraph (1) or (2) of subsection (e) for a project described in either such paragraph, if the Secretary determines that a violation under paragraph (1) through (4) of section 516(a) has occurred with respect to the project. For purposes of such a determination, the provisions of section 516 shall apply to a project under this section in the same manner and to the same extent that the provisions of such section apply to eligible multifamily housing projects, except that the Secretary shall make the determination under section 516(a)(4).

''(3) CONTRACT TERM FOR MARK-UP-TO-MARKET CONTRACTS.—In the case of an expiring or terminating contract that has rent levels less than comparable market rents for the market area, if the rent levels under the renewal contract under this section are equal to comparable market rents for the market area, the contract shall have a term of not less than 5 years, subject to the availability of sufficient amounts in appropriation Acts.

''(4) RENEWAL RENTS.—Except as provided in subsection (b), the contract for assistance shall provide assistance at the following rent levels:

''(A) MARKET RENTS.—At the request of the owner of the project, at rent levels equal to the lesser of comparable market rents for the market area or 150 percent of the fair market rents, in the case only of a project that—

''(i) has rent levels under the expiring or terminating contract that do not exceed such comparable market rents;

''(ii) does not have a low- and moderate-income use restriction that can not be eliminated by unilateral action by the owner;

''(iii) is decent, safe, and sanitary housing, as determined by the Secretary;

''(iv) is not—

''(I) owned by a nonprofit entity;

''(II) subject to a contract for moderate rehabilitation assistance under section 8(e)(2) of the United States Housing Act of 1937, as in effect before October 1, 1991; or

''(III) a project for which the public housing agency provided voucher assistance to one or more of the tenants after the owner has provided notice of termination of the contract covering the tenant's unit; and

''(v) has units assisted under the contract for which the comparable market rent exceeds 110 percent of the fair market rent.

The Secretary may adjust the percentages of fair market rent (as specified in the matter preceding clause (i) and in clause (v)), but only upon a determination and written notification to the Congress within 10 days of making such determination, that such adjustment is necessary to ensure that this subparagraph covers projects with a high risk of nonrenewal of expiring contracts for project-based assistance.

''(B) REDUCTION TO MARKET RENTS.—In the case of a project that has rent levels under the expiring or terminating contract that exceed comparable market rents for the market area, at rent levels equal to such comparable market rents.

''(C) RENTS NOT EXCEEDING MARKET RENTS.—In the case of a project that is not subject to subparagraph (A) or (B), at rent levels that—

''(i) are not less than the existing rents under the terminated or expiring contract, as adjusted by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment), if such adjusted rents do not exceed comparable market rents for the market area; and

''(ii) do not exceed comparable market rents for the market area.

In determining the rent level for a contract under this subparagraph, the Secretary shall approve rents sufficient to cover budget-based cost increases and shall give greater consideration to providing rent at a level up to comparable market rents for the market area based on the number of the criteria under clauses (i) through (iv) of subparagraph (D) that the project meets.

''(D) WAIVER OF 150 PERCENT LIMITATION.—Notwithstanding subparagraph (A), at rent levels up to comparable market rents for the market area, in the case of a project that meets the requirements under clauses (i) through (v) of subparagraph (A) and—

''(i) has residents who are a particularly vulnerable population, as demonstrated by a high percentage of units being rented to elderly families, disabled families, or large families;

''(ii) is located in an area in which tenant-based assistance would be difficult to use, as demonstrated by a low vacancy rate for affordable housing, a high turnback rate for vouchers, or a lack of comparable rental housing;

''(iii) is a high priority for the local community, as demonstrated by a contribution of State or local funds to the property; or

''(iv) is primarily occupied by elderly or disabled families.

In determining the rent level for a contract under this subparagraph, the Secretary shall approve rents sufficient to cover budget-based cost increases and shall give greater consideration to providing rent at a level up to comparable market rents for the market area based on the number of the criteria under clauses (i) through (iv) that the project meets.

''(5) COMPARABLE MARKET RENTS AND COMPARISON WITH FAIR MARKET RENTS.—The Secretary shall prescribe the method for determining comparable market rent by comparison with rents charged for comparable properties (as such term is defined in section 512), which may include appropriate adjustments for utility allowances and adjustments to reflect the value of any subsidy (other than section 8 assistance) provided by the Department of Housing and Urban Development.

''(b) EXCEPTION RENTS.—

''(1) RENEWAL.—In the case of a multifamily housing project described in paragraph (2), pursuant to the request of the owner of the project, the contract for assistance for the project pursuant to subsection (a) shall provide assistance at the lesser of following rent levels:

''(A) ADJUSTED EXISTING RENTS.—The existing rents under the expiring contract, as adjusted by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment).

''(B) BUDGET-BASED RENTS.—Subject to a determination by the Secretary that a rent level under this subparagraph is appropriate for a project, a rent level that provides income sufficient to support a budget-based rent (including a budget-based rent adjustment if justified by reasonable and expected operating expenses).

''(2) PROJECTS COVERED.—A multifamily housing project described in this paragraph is an multifamily housing project that—

''(A) is not an eligible multifamily housing project under section 512(2); or

''(B) is exempt from mortgage restructuring under this subtitle pursuant to section 514(h).

''(c) RENT ADJUSTMENTS AFTER RENEWAL OF CONTRACT.—

''(1) REQUIRED.—After the initial renewal of a contract for assistance under section 8 of the United States Housing Act of 1937 pursuant to subsection (a), (b), or (e)(2), the Secretary shall annually adjust the rents using an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment) or, upon the request of the owner and subject to approval of the Secretary, on a budget basis. In the case of projects with contracts renewed pursuant to subsection (a) or pursuant to subsection (e)(2) at rent levels equal to comparable market rents for the market area, at the expiration of each 5-year period, the Secretary shall compare existing rents with comparable market rents for the market area and may make any adjustments in the rent necessary to maintain the contract rents at a level not greater than comparable market rents or to increase rents to comparable market rents.

''(2) DISCRETIONARY.—In addition to review and adjustment required under paragraph (1), in the case of projects with contracts renewed pursuant to subsection (a) or pursuant to subsection (e)(2) at rent levels equal to comparable market rents for the market area, the Secretary may, at the discretion of the Secretary but only once within each 5-year period referred to in paragraph (1), conduct a comparison of rents for a project and adjust the rents accordingly to maintain the contract rents at a level not greater than comparable market rents or to increase rents to comparable market rents.

''(d) ENHANCED VOUCHERS UPON CONTRACT EXPIRATION.—

''(1) IN GENERAL.—In the case of a contract for project-based assistance under section 8 for a covered project that is not renewed under subsection (a) or (b) of this section (or any other authority), to the extent that amounts for assistance under this subsection are provided in advance in appropriation Acts, upon the date of the expiration of such contract the Secretary shall make enhanced voucher assistance under this subsection available on behalf of each low-income family who, upon the date of such expiration, is residing in an assisted dwelling unit in the covered project.

''(2) ENHANCED ASSISTANCE.—Enhanced voucher assistance under this subsection for a family shall be voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), except that under such enhanced voucher assistance—

''(A) during any period that the assisted family continues residing in the covered project in which the family was residing on the date of the expiration of such contract and the rent for the dwelling unit of the family in such project exceeds the applicable payment standard established pursuant to section 8(o) for the unit, the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit (as such rent may be increased from time to time), subject to paragraph (10)(A) of such section 8(o); and

''(B) subparagraph (A) of this paragraph shall not apply and the payment standard for the dwelling unit occupied by the family shall be determined in accordance with section 8(o) if—

''(i) the assisted family moves, at any time, from such covered project; or

''(ii) the voucher is made available for use by any family other than the original family on behalf of whom the voucher was provided pursuant to paragraph (1).

''(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) ASSISTED DWELLING UNIT.—The term 'assisted dwelling unit' means a dwelling unit that—

''(i) is in a covered project; and

''(ii) is covered by rental assistance provided under the contract for project-based assistance for the covered project.

''(B) COVERED PROJECT.—The term 'covered project' means any housing that—

''(i) consists of more than 4 dwelling units;

''(ii) is covered in whole or in part by a contract for project-based assistance under—

''(I) the new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983),

''(II) the property disposition program under section 8(b) of the United States Housing Act of 1937,

''(III) the moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991);

''(IV) the loan management assistance program under section 8 of the United States Housing Act of 1937,

''(V) section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975),

''(VI) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965, or

''(VII) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965,

which contract will (under its own terms) expire during the period consisting of fiscal years 2000 through 2004; and

''(iii) is not housing for which residents are eligible for enhanced voucher assistance as provided, pursuant to the 'Preserving Existing Housing Investment' account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884) or any other subsequently enacted provision of law, in lieu of any benefits under section 223 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as may be necessary for enhanced voucher assistance under this subsection.

''(e) CONTRACTUAL COMMITMENTS UNDER PRESERVATION LAWS.—Except as provided in subsection (a)(2) and notwithstanding any other provision of this subtitle, the following shall apply:

''(1) PRESERVATION PROJECTS.—Upon expiration of a contract for assistance under section 8 for a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), to the extent sufficient amounts are made available in appropriation Acts, the Secretary shall provide to the owner benefits comparable to those provided under such plan of action, including distributions, rent increase procedures, and duration of low-income affordability restrictions. This paragraph shall apply to projects with contracts expiring before, on, or after the date of the enactment of this section.

''(2) DEMONSTRATION PROJECTS.—

''(A) IN GENERAL.—Upon expiration of a contract for assistance under section 8 for a project entered into pursuant to any authority specified in subparagraph (B) for which

the Secretary determines that debt restructuring is inappropriate, the Secretary shall, at the request of the owner of the project and to the extent sufficient amounts are made available in appropriation Acts, provide benefits to the owner comparable to those provided under such contract, including annual distributions, rent increase procedures, and duration of low-income affordability restrictions. This paragraph shall apply to projects with contracts expiring before, on, or after the date of the enactment of this section.

''(B) DEMONSTRATION PROGRAMS.—The authority specified in this subparagraph is the authority under—

''(i) section 210 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321–285; 42 U.S.C. 1437f note);

''(ii) section 212 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2897; 42 U.S.C. 1437f note); and

''(iii) either of such sections, pursuant to any provision of this title.

''(f) PREEMPTION OF CONFLICTING STATE LAWS LIMITING DISTRIBUTIONS.—No State or political subdivision of a State may establish, continue in effect, or enforce any law or regulation that limits or restricts, to an amount that is less than the amount provided for under the regulations of the Secretary establishing allowable project distributions to provide a return on investment, the amount of surplus funds accruing after the date of the enactment of this section that may be distributed from any project assisted under a contract for rental assistance renewed under any provision of this section to the owner of the project. This subsection may not be construed to provide for, allow, or result in the release or termination, for any project, of any low- or moderate-income use restrictions that can not be eliminated by unilateral action of the owner of the project.

''(g) RULE OF CONSTRUCTION.—Expiring contracts for moderate rehabilitation assistance under section 8(e)(2) of the United States Housing Act of 1937, as in effect before October 1, 1991, shall be subject to renewal under the provisions of this section and such renewal contract may not be considered, construed, or administered as providing moderate rehabilitation assistance under such section 8(e)(2), except that the Secretary may provide such assistance in a manner, and subject to such rules and procedures, as the Secretary may designate. If the owner of a project with such an expiring contract requests renewal of the contract, the Secretary shall renew the expiring contract, subject to the provisions of this section, within 6 months of the date of such expiration, notwithstanding whether any tenant-based rental assistance has been provided to tenants of the project. This subsection shall apply to projects with contracts expiring before, on, or after the date of the enactment of this section.

''(h) APPLICABILITY.—Except to the extent otherwise specifically provided in this section, this section shall apply with respect to any multifamily housing project having a contract for project-based assistance under section 8 that terminates or expires during fiscal year 2000 or thereafter.''.

(b) DEFINITION OF ELIGIBLE MULTIFAMILY HOUSING PROJECT.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting after and below subparagraph (C) the following:

''Such term does not include any project with an expiring contract described in paragraph (1) or (2) of section 524(e).''.

(c) PROJECTS EXEMPTED FROM RESTRUCTURING AGREEMENTS.—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon at the end the following: ''and the financing involves mortgage insurance under the National Housing Act, such that the implementation of a mortgage restructuring and rental assistance sufficiency plan under this subtitle is in conflict with applicable law or agreements governing such financing''.

(d) CONFORMING AMENDMENTS.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) by designating as subsection (v) the sentence added by section 405(c) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 44); and

(2) by striking subsection (w).

SEC. 403. SECTION 236 ASSISTANCE.

(a) CONTINUED RECEIPT OF SUBSIDIES UPON REFINANCING.—Section 236(e) of the National Housing Act (12 U.S.C. 1715z–1(e)) is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following new paragraph:

''(2) A project for which interest reduction payments are made under this section and for which the mortgage on the project has been refinanced shall continue to receive the interest reduction payments under this section under the terms of the contract for such payments, but only if the project owner enters into such binding commitments as the Secretary may require (which shall be applicable to any subsequent owner) to ensure that the owner will continue to operate the project in accordance with all low-income affordability restrictions for the project in connection with the Federal assistance for the project for a period having a duration that is not less than the term for which such interest reduction payments are made.''.

(b) RETENTION OF EXCESS INCOME.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)) is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking the last sentence; and

(3) by adding at the end the following new paragraphs:

''(2) Subject to paragraph (3) and notwithstanding any other requirements of this subsection, a project owner may retain some or all of such excess charges for project use if authorized by the Secretary. Such use shall be for project use and upon terms and conditions established by the Secretary.

''(3) The authority under paragraph (2) to retain and use excess charges shall apply—

''(A) during fiscal year 2000, to all project owners collecting such excess charges; and

''(B) during fiscal year 2001 and thereafter—

''(i) to any owner of project with a mortgage insured under this section, or a project previously assisted under subsection (b) but without a mortgage insured under this section if the project was insured under section 207 of this Act before July 30, 1998, pursuant to section 223(f) of this Act and assisted under subsection (b); and

''(ii) to other project owners not referred to in clause (i) who collect such excess charges, but only to the extent that such retention and use is approved in advance in an appropriation Act.''.

(c) PREVIOUSLY OWED EXCESS INCOME.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

''(4) The Secretary shall not withhold approval of the retention by the owner of such excess charges because of the existence of unpaid excess charges if such unpaid amount is being remitted to the Secretary over a period of time in accordance with a workout agreement with the Secretary, unless the Secretary determines that the owner is in violation of the workout agreement.''.

(d) FLEXIBILITY REGARDING BASIC RENTS AND MARKET RENTS.—Section 236(f) of the National Housing Act (12 U.S.C. 1715z–1(f)(1)) is amended by striking the subsection designation and all that follows through the end of paragraph (1) and inserting the following:

''(f)(1)(A)(i) For each dwelling unit there shall be established, with the approval of the Secretary, a basic rental charge and fair market rental charge.

''(ii) The basic rental charge shall be—

''(I) the amount needed to operate the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 percent per annum; or

''(II) an amount greater than that determined under clause (ii)(I), but not greater than the market rent for a comparable unassisted unit, reduced by the value of the interest reduction payments subsidy.

''(iii) The fair market rental charge shall be—

''(I) the amount needed to operate the project with payments of principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage covering the project; or

''(II) an amount greater than that determined under clause (iii)(I), but not greater than the market rent for a comparable unassisted unit.

''(iv) The Secretary may approve a basic rental charge and fair market rental charge for a unit that exceeds the minimum amounts permitted by this subparagraph for such charges only if—

''(I) the approved basic rental charge and fair market rental charges each exceed the applicable minimum charge by the same amount; and

''(II) the project owner agrees to restrictions on project use or mortgage prepayment that are acceptable to the Secretary.

''(v) The Secretary may approve a basic rental charge and fair market rental charge under this paragraph for a unit with assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that differs from the basic rental charge and fair market rental charge for a unit in the same project that is similar in size and amenities but without such assistance, as needed to ensure equitable treatment of tenants in units without such assistance.

''(B)(i) The rental charge for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the fair market rental charge determined pursuant to subparagraph (A), as represents 30 percent of the tenant's adjusted income, except as otherwise provided in this subparagraph.

''(ii) In the case of a project which contains more than 5000 units, is subject to an interest reduction payments contract, and is financed under a State or local project, the Secretary may reduce the rental charge ceiling, but in no case shall the rental charge be below the basic rental charge set forth in subparagraph (A)(ii)(I).

''(iii) For plans of action approved for capital grants under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, the rental charge for each dwelling unit shall be at the minimum basic rental charge set forth in subparagraph (A)(ii)(I) or such greater amount, not exceeding the lower of (I) the fair market rental charge set forth in subparagraph (A)(iii)(I), or (II) the actual rent paid for a comparable unit in comparable unassisted housing in the market area in which

the housing assisted under this section is located, as represents 30 percent of the tenant's adjusted income.

''(C) With respect to those projects which the Secretary determines have separate utility metering paid by the tenants for some or all dwelling units, the Secretary may—

''(i) permit the basic rental charge and the fair market rental charge to be determined on the basis of operating the project without the payment of the cost of utility services used by such dwelling units; and

''(ii) permit the charging of a rental for such dwelling units at such an amount less than 30 percent of a tenant's adjusted income as the Secretary determines represents a proportionate decrease for the utility charges to be paid by such tenant, but in no case shall rental be lower than 25 percent of a tenant's adjusted income.''.

(e) EFFECTIVE DATE OF 1998 PROVISIONS.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by section 227 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276; 112 Stat. 2490) shall be effective on the date of the enactment of such Public Law 105–276, and any excess rental charges referred to in such section that have been collected since such date of enactment with respect to projects with mortgages insured under section 207 of the National Housing Act (12 U.S.C. 1713) may be retained by the project owner unless the Secretary of Housing and Urban Development specifically provides otherwise. The Secretary may return any excess charges remitted to the Secretary since such date of enactment.

(f) EFFECTIVE DATE.—This section shall take effect, and the amendments made by this section are made and shall apply, on the date of the enactment of this Act.

SEC. 404. MATCHING GRANT PROGRAM FOR AFFORDABLE HOUSING PRESERVATION.

(a) AMENDMENT TO LOW-INCOME HOUSING PRESERVATION AND RESIDENT HOMEOWNERSHIP ACT OF 1990.—Title II of the Housing and Community Development Act of 1987 (12 U.S.C. 4101 et seq.) is amended—

(1) by striking subtitles C and D (as enacted by Public Law 100–242; 101 Stat. 1886); and

(2) by adding at the end the following new subtitle:

''Subtitle D—Matching Grants for States

''SEC. 261. AUTHORITY.

''The Secretary of Housing and Urban Development shall, to the extent amounts are made available pursuant to section 269, make grants under this subtitle to States and qualified units of general local government for low-income housing preservation.

''SEC. 262. USE OF GRANTS.

''(a) IN GENERAL.—Amounts from grants under this subtitle may be used only for assistance for acquisition, preservation incentives, operating costs, and capital expenditures for a housing project that—

''(1) is at risk of loss for use as affordable housing;

''(2)(A) is primarily occupied by elderly or disabled families;

''(B) contains one or more dwelling units with 3 or more bedrooms that are occupied by large families;

''(C) is located in a rural area with an inadequate supply of comparable housing, as determined by the Secretary; or

''(D) is located in a neighborhood or area—

''(i) that is geographically smaller than a market area; and

''(ii) within which, in the determination of the Secretary, rental assistance vouchers would be difficult to use, as demonstrated by a low vacancy rate for affordable housing, a high turnback rate for such vouchers, or a lack of comparable rental housing;

''(3) meets the requirements under subsection (b), (c), or (d); and

''(4) is subject to such binding commitments as the Secretary shall require (which shall be applicable to any subsequent owner) to ensure that the low-income affordability restrictions for the project in connection with Federal assistance for the project have been extended for the full period applicable under the terms of assistance for the project, but in no case for a period shorter than 5 years.

''(b) PROJECTS WITH FEDERALLY ASSISTED MORTGAGES.—A project meets the requirements under this subsection only if—

''(1) the project is financed by a loan or mortgage that is—

''(A) insured or held by the Secretary under section 221(d)(3) of the National Housing Act and receiving loan management assistance under section 8 of the United States Housing Act of 1937 due to a conversion from section 101 of the Housing and Urban Development Act of 1965;

''(B) insured or held by the Secretary and bears interest at a rate determined under the proviso of section 221(d)(5) of the National Housing Act;

''(C) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act;

''(D) held by the Secretary and formerly insured under a program referred to in subparagraph (A), (B), or (C); or

''(E) insured or held by the Secretary of Agriculture under section 514 or 515 of the Housing Act of 1949; and

''(2) the project is subject to an unconditional waiver of, with respect to the remaining term of the mortgage referred to in paragraph (1)—

''(A) all rights to any prepayment of the mortgage, and

''(B) all rights to any voluntary termination of the mortgage insurance contract for the mortgage or the interest reduction payments contract, as applicable;

except that such requirement shall not apply in the case of a project that is subject to a binding agreement that ensures that the project will continue to operate, at least until the maturity date of the loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed prepayment or termination.

''(c) PROJECTS WITH SECTION 8 PROJECT-BASED ASSISTANCE.—A project meets the requirements under this subsection only if—

''(1) the project is subject to a contract for project-based assistance; and

''(2) the owner of the project has entered into binding commitments (applicable to any subsequent owner) to extend such assistance (subject to the availability of amounts for such purpose) for a minimum of 5 years, or longer, as the Secretary may prescribe under this section.

''(d) PROJECTS PURCHASED BY RESIDENTS.—A project meets the requirements under this subsection only if the project—

''(1) is or was eligible low-income housing (as such term is defined in section 229 (42 U.S.C. 4119)); and

''(2) has been purchased by a resident council for the housing or is approved by the Secretary for such purchase, for conversion to homeownership housing under a resident homeownership program meeting the requirements under section 226 (12 U.S.C. 4116).

''(e) COMBINATION OF ASSISTANCE.—Notwithstanding subsection (a), any project that is otherwise eligible for assistance with grant amounts provided under this subtitle because the project meets the requirements under subsection (b) or (c) and that also meets the requirements under paragraph (1) of the other of such subsections, shall be eligible for such assistance only if the project complies with all of the requirements under such other subsection.

''SEC. 263. GRANT AMOUNT LIMITATION.

''The Secretary shall limit the portion of the aggregate amount of grants under this subtitle made available for any fiscal year that may be provided to a single State or qualified unit of general local government based upon the proportion of such State's or unit's need (as determined by the Secretary) for such assistance to the aggregate need among all States and qualified units of general local government approved for such assistance for such fiscal year.

''SEC. 264. MATCHING REQUIREMENT.

''(a) IN GENERAL.—The Secretary may not make a grant under this subtitle to any State or qualified unit of general local government for any fiscal year in a total amount that exceeds the sum of the following amounts:

''(1) 100 percent of the amount that the State or qualified unit of general local government certifies, as the Secretary shall require, that the State or qualified unit will contribute for such fiscal year, or has contributed since January 1, 1999, for the purposes under section 262(a).

''(2) 50 percent of the amount that the State or qualified unit of general local government certifies will be or have been so contributed from Federal sources.

''(b) TREATMENT OF PREVIOUS CONTRIBUTIONS.—Any portion of amounts contributed after January 1, 1999, that are counted for purposes of meeting the applicable requirement under subsection (a) for a fiscal year may not be counted for such purposes for any subsequent fiscal year.

''(c) TREATMENT OF TAX CREDITS.—Tax credits provided under section 42 of the Internal Revenue Code of 1986 and proceeds from the sale of tax-exempt revenue bonds, by any State, county, or local government entity, which are subject to volume limitation under Federal law, shall not be considered non-Federal sources for purposes of this section.

''SEC. 265. TREATMENT OF SUBSIDY LAYERING REQUIREMENTS.

''Neither section 264 nor any other provision of this subtitle may be construed to prevent the use of tax credits provided under section 42 of the Internal Revenue Code of 1986 in connection with housing assisted with grant amounts provided under this subtitle, to the extent that such use is in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) and section 911 of the Housing and Community Development Act of 1992 (42 U.S.C. 3545 note).

''SEC. 266. APPLICATIONS AND PREFERENCE.

''(a) APPLICATIONS.—The Secretary shall provide for States and units of general local government (through appropriate State and local government agencies, including State and local housing finance agencies) to submit applications for grants under this subtitle. The Secretary shall require the applications to contain any information and certifications necessary for the Secretary to determine whether the State or unit of general local government is eligible to receive such a grant.

''(b) PREFERENCE.—In making grants under this subtitle during fiscal years 2001 and thereafter, the Secretary shall give preference—

''(1) among applications otherwise having equal merit for funding under this subtitle,

to funding applications for eligible States, and qualified units of general local government located in States, that have not previously received a grant under this subtitle; and

''(2) to grants for eligible housing projects that are subject to such binding commitments as the Secretary may require to ensure that the project will be sold or transferred to an owner that is a nonprofit organization.

''SEC. 267. DEFINITIONS.

''For purposes of this subtitle, the following definitions shall apply:

''(1) LOW-INCOME AFFORDABILITY RESTRICTIONS.—The term 'low-income affordability restrictions' has the meaning given such term in section 229.

''(2) PROJECT-BASED ASSISTANCE.—The term 'project-based assistance' has the meaning given such term in section 16(c) of the United States Housing Act of 1937 (42 U.S.C. 1437n(c)), except that such term includes assistance under any successor programs to the programs referred to in such section.

''(3) QUALIFIED UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'qualified unit of general local government' means, with respect to a fiscal year, a unit of general local government that is located within a State that—

''(A) has not applied, and has indicated (in accordance with such requirements as the Secretary shall establish) that it will not apply, to the Secretary for a grant under this subtitle for the fiscal year; or

''(B) has been determined by the Secretary not to be eligible for a grant under this subtitle for the fiscal year.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(5) STATE.—The term 'State' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

''(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

''SEC. 268. REGULATIONS.

''The Secretary may issue any regulations necessary to carry out this subtitle.

''SEC. 269. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for grants under this subtitle such sums as may be necessary for each of fiscal years, 2000, 2001, and 2002.''.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a)(1) of this section (relating to striking subtitles C and D of title II of the Housing and Community Development Act of 1987) may not be construed to repeal or otherwise affect any provision of law that was amended by such subtitles.

SEC. 405. REHABILITATION OF ASSISTED HOUSING.

(a) REHABILITATION LOANS FROM RECAPTURED IRP AMOUNTS.—Section 236(s) of the National Housing Act (12 U.S.C. 1715z–1) is amended—

(1) by striking the subsection designation and heading and inserting the following:

''(s) GRANTS AND LOANS FOR REHABILITATION OF MULTIFAMILY PROJECTS.—'';

(2) in paragraph (1), by inserting ''and loans'' after ''grants'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''capital grant assistance under this subsection'' and inserting ''capital assistance under this subsection under a grant or loan only''; and

(B) in subparagraph (D)(i), by striking ''capital grant assistance'' and inserting ''capital assistance under this subsection from a grant or loan (as appropriate)'';

(4) in paragraph (3), by striking all of the matter that precedes subparagraph (A) and inserting the following:

''(3) ELIGIBLE USES.—Amounts from a grant or loan under this subsection may be used only for projects eligible under paragraph (2) for the purposes of—'';

(5) in paragraph (4)—

(A) by striking the paragraph heading and inserting ''GRANT AND LOAN AGREEMENTS''; and

(B) by inserting ''or loan'' after ''grant'', each place it appears;

(6) in paragraph (5), by inserting ''or loan'' after ''grant'', each place it appears;

(7) in paragraph (6), as amended by the preceding provisions of this Act, by adding at the end the following new subparagraph:

''(D) LOANS.—In making loans under this subsection using the amounts that the Secretary has recaptured from contracts for interest reduction payments pursuant to clause (i) or (ii) of paragraph (7)(A)—

''(i) the Secretary may use such recaptured amounts for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of such loans;

''(ii) the Secretary may make loans in any fiscal year only to the extent or in such amounts that amounts are used under clause (i) to cover costs of such loans; and

''(iii) the authority of the Secretary to enter into commitments to make such loans shall be effective for any fiscal year only to the extent that (I) there is enacted in advance, in an appropriations Act, a maximum limitation on the aggregate principal amount of such commitments for such fiscal year, and (II) the aggregate principal amount of such commitments entered into by the Secretary does not exceed such maximum amount.'';

(8) by redesignating paragraphs (5) and (6) (as amended by the preceding provisions of this subsection) as paragraphs (6) and (7); and

(9) by inserting after paragraph (4) the following new paragraph:

''(5) LOAN TERMS.—A loan under this subsection—

''(A) shall provide amounts for the eligible uses under paragraph (3) in a single loan disbursement of loan principal;

''(B) shall be repaid, as to principal and interest, on behalf of the borrower using amounts recaptured from contracts for interest reduction payments pursuant to clause (i) or (ii) of paragraph (7)(A);

''(C) shall have a term to maturity of a duration not shorter than the remaining period for which the interest reduction payments for the insured mortgage or mortgages that fund repayment of the loan would have continued after extinguishment or writedown of the mortgage (in accordance with the terms of such mortgage in effect immediately before such extinguishment or writedown);

''(D) shall bear interest at a rate, as determined by the Secretary of the Treasury, that is based upon the current market yields on outstanding marketable obligations of the United States having comparable maturities; and

''(E) shall involve a principal obligation of an amount not exceeding the amount that can be repaid using amounts described in subparagraph (B) over the term determined in accordance with subparagraph (C), with interest at the rate determined under subparagraph (D).''.

(b) ELIGIBILITY OF NONINSURED PROJECTS FOR IRP CAPITAL GRANTS.—Section 236(s)(2) of the National Housing Act (12 U.S.C. 1715z–1(s)(2)(A)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

''(A) if the project is federally assisted housing described in subparagraph (B), (C), (D), (E), (F) or (G) of section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2));''.

(c) IRP CAPITAL GRANTS REQUIREMENT FOR EXTENSION OF LOW-INCOME AFFORDABILITY REQUIREMENTS.—Section 236(s) of the National Housing Act (12 U.S.C. 1715z–1(s)) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (C) and (D), as amended by the preceding provisions of this section, as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) the project owner enters into such binding commitments as the Secretary may require (which shall be applicable to any subsequent owner) to ensure that the owner will continue to operate the project in accordance with all low-income affordability restrictions for the project in connection with the Federal assistance for the project for a period having a duration that is not less than the period referred to in paragraph (5)(C);''; and

(2) in paragraph (4)(B), by inserting ''and consistent with paragraph (2)(C)'' before the period at the end.

SEC. 406. TECHNICAL ASSISTANCE.

Section 514(f)(3) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting after ''new owners)'' the following: '', for technical assistance for preservation of low-income housing for which project-based rental assistance is provided at below market rent levels and may not be renewed (including transfer of developments to tenant groups, nonprofit organizations, and public entities),''.

SEC. 407. TERMINATION OF SECTION 8 CONTRACT AND DURATION OF RENEWAL CONTRACT.

Section 8(c)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(8)) is amended—

(1) in subparagraph (A)—

(A) by striking ''terminating'' and inserting ''termination of''; and

(B) by striking the third comma of the first sentence and all that follows through the end of the subparagraph and inserting the following: ''. The notice shall also include a statement that, if the Congress makes funds available, the owner and the Secretary may agree to a renewal of the contract, thus avoiding termination, and that in the event of termination the Department of Housing and Urban Development will provide tenant-based rental assistance to all eligible residents, enabling them to choose the place they wish to rent, which is likely to include the dwelling unit in which they currently reside. Any contract covered by this paragraph that is renewed may be renewed for a period of up to one year or any number or years, with payments subject to the availability of appropriations for any year.'';

(2) by striking subparagraph (B);

(3) in subparagraph (C)—

(A) by striking the first sentence;

(B) by striking ''in the immediately preceding sentence'';

(C) by striking ''180-day'' each place it appears;

(D) by striking ''such period'' and inserting ''one year''; and

(E) by striking ''180 days'' and inserting ''one year''; and

(4) by redesignating subparagraphs (C), (D), and (E), as amended by the preceding provisions of this subsection, as subparagraphs (B), (C), and (D), respectively.

SEC. 408. ENHANCED VOUCHER ELIGIBILITY AND BENEFITS.

(a) ELIGIBILITY OF RESIDENTS OF FLEXIBLE SUBSIDY PROJECTS.—Section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a) is amended by adding at the end the following new subsection:

''(p) ENHANCED VOUCHER ELIGIBILITY.—Notwithstanding any other provision of law, any project that receives or has received assistance under this section and which is the subject of a transaction under which the project is preserved as affordable housing, as determined by the Secretary, shall be considered eligible low-income housing under section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4119) for purposes of eligibility of residents of such project for enhanced voucher assistance provided in accordance with the 'Preserving Existing Housing Investment' account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884) and pursuant to such provision or any other subsequently enacted provision of law.''.

(b) EFFECT OF RENTAL INCREASES ON OTHER ENHANCED VOUCHERS.—To the extent that amounts are provided in advance in appropriations Acts for enhanced vouchers (including amendments and renewals) pursuant to the authority under the heading ''Preserving Existing Housing Investment'' in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884), each family receiving such enhanced voucher assistance after the date of prepayment or voluntary termination which continues to reside in the housing occupied on the date of prepayment or voluntary termination and the rent of which, absent enhanced voucher assistance, would exceed the greater of 30 percent of adjusted income or the rent paid by the family on such date, may continue to receive such enhanced voucher assistance indefinitely, subject to other requirements of that authority, as amended: *Provided*, That rent resulting from rent increases occurring later than 1 year after the date of prepayment or voluntary termination may be used to increase the applicable payment standard: *Provided further*, That the rent for the dwelling unit is reasonable in comparison to the rent charged for comparable dwelling units in the private, unassisted local market.

SEC. 409. ENHANCED DISPOSITION AUTHORITY.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking ''and 1999'' and inserting ''1999, and 2000''; and

(2) by striking ''or demolition'' and inserting '', demolition, or construction on the properties (which shall be eligible whether vacant or occupied)''.

SEC. 410. ASSISTANCE FOR NONPROFIT PURCHASERS PRESERVING AFFORDABLE HOUSING.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) a substantial number of existing federally assisted or federally insured multifamily properties are at risk of being lost from the affordable housing inventory of the Nation through market rate conversion, deterioration, or demolition;

(2) it is in the interests of the Nation to encourage transfer of control of such properties to competent national, regional, and local nonprofit entities and intermediaries whose missions involve maintaining the affordability of such properties;

(3) such transfers may be inhibited by a shortage of such entities that are appropriately capitalized; and

(4) the Nation would be well served by providing assistance to such entities to aid in accomplishing this purpose.

(b) GRANTS.—The Secretary of Housing and Urban Development may make grants, to the extent amounts are made available for such grants, to eligible entities under subsection (c) for use only for operational, working capital, and organizational expenses of such entities and activities by such entities to acquire eligible affordable housing for the purpose of ensuring that the housing will remain affordable, as the Secretary considers appropriate, for low-income or very low-income families (including elderly persons).

(c) ELIGIBLE ENTITIES.—The Secretary shall establish standards for eligible entities under this subsection, which shall include requirements that to be considered an eligible entity for purposes of this section an entity shall—

(1) be a nonprofit organization (as such term is defined in 104 of the Cranston-Gonzalez National Affordable Housing Act);

(2) have among its purposes maintaining the affordability to low-income or very low-income families of multifamily properties that are at risk of loss from the inventory of housing that is affordable to low-income or very low-income families; and

(3) demonstrate need for assistance under this section for the purposes under subsection (b), experience in carrying out activities referred to in such subsection, and capability to carry out such activities.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE AFFORDABLE HOUSING.—The term ''eligible affordable housing'' means housing that—

(A) consists of more than 4 dwelling units;

(B) is insured or assisted under a program of the Department of Housing and Urban Development or the Department of Agriculture under which the property is subject to limitations on tenant rents, rent contributions, or incomes; and

(C) is at risk, as determined by the Secretary, of termination of any of the limitations referred to in subparagraph (B).

(2) LOW-INCOME FAMILIES; VERY LOW-INCOME FAMILIES.—The terms ''low-income families'' and very low-income families'' have the meanings given such terms in section 3(b) of the United States Housing Act of 1937.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.

TITLE V—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES AND HOME EQUITY CONVERSION MORTGAGES

SEC. 501. REHABILITATION OF EXISTING HOSPITALS, NURSING HOMES, AND OTHER FACILITIES.

Section 223(f) of the National Housing Act (12 U.S.C. 1715n(f)) is amended—

(1) in paragraph (1), by inserting ''existing health care facility,'' after ''existing board and care home,''; and

(2) in paragraph (4)—

(A) by inserting ''existing health care facility,'' after ''board and care home,'' each place it appears;

(B) in subparagraph (A), by inserting before the semicolon at the end the following: '', which refinancing, in the case of a loan on a hospital, home, or facility that is within 5 years of maturity, shall include a mortgage made to prepay such loan;'';

(C) in subparagraph (B), by inserting after ''indebtedness'' the following: '', pay the costs of any repairs, maintenance, improvements, or additional equipment which may be approved by the Secretary,''; and

(D) in subparagraph (D)—

(i) by inserting ''existing'' before ''intermediate care facility''; and

(ii) by inserting ''existing'' before ''board and care home''.

SEC. 502. NEW HEALTH CARE FACILITIES.

Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(4) The development of health care facilities for the care and treatment of the elderly and other persons in need of health care and related services, but who are not acutely ill and do not require hospital care, and the support of health care facilities which provide such health care and related services (including those which support hospitals, as defined in section 242(b)).'';

(2) in subsection (b)—

(A) in paragraph (4), by inserting after the first period the following new sentence:

''Such term includes a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide.'';

(B) in paragraph (6)—

(i) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) meets all licensing and regulatory requirements of the State, or if there is no State law providing for such licensing and regulation by the State, meets all licensing and regulatory requirements of the municipality or other political subdivision in which the facility is located, or, in the absence of any such requirements, meets any requirements of the Secretary for such purposes;''; and

(ii) in subparagraph (C), by striking ''and'' at the end;

(C) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(8) the term 'health care facility' means a facility—

''(A) providing integrated health care delivery services designed and operated to provide medical, convalescent, skilled and intermediate nursing, board and care services, assisted living, rehabilitation, custodial, personal care services, or any combination thereof;

''(B) designed, in whole or in part, to provide a continuum of care, as determined by the Secretary;

''(C) providing clinical services, out patient services, including community health services and medical practice facilities and group practice facilities to persons not in need of the services rendered in other facilities insurable under this title; or

''(D)(i) designed, in whole or in part—

''(I) to provide health care services which are not acute care in nature to persons (including the elderly and infirm); or

''(II) to provide supportive or ancillary services to hospitals (as defined in section 242(b)), which services may include services provided by special use health care facilities, professional office buildings, laboratories, administrative offices, and other facilities supportive or ancillary to health care delivery; and

''(ii) that meet standards acceptable to the Secretary, which may include standards governing licensure or State or local approval and regulation of a mortgagor; or

''(E) that provides any combination of the services under subparagraphs (a) through (D).'';

(3) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''board and care home,'' after ''rehabilitated nursing home,'';

(ii) by inserting ''health care facility,'' after ''assisted living facility,'' the first 2 places it appears;

(iii) by inserting ''board and care home,'' after ''existing nursing home,''; and

(iv) by striking ''or a board and care home'' and inserting '', board and care home or health care facility'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting after ''including'' the following: ''or a public body, public agency, or public corporation eligible under this section'';

(C) in paragraph (4)(A)—

(i) in the first sentence—

(I) by inserting '', and health care facilities which include such nursing home and intermediate care facilities,'' before '', the Secretary'';

(II) by inserting ''or the portion of a health care facility providing such services'' before ''covered by the mortgage,''; and

(III) by inserting ''or for such nursing or intermediate care services within a health care facility'' before '', and (ii)'';

(ii) in the second sentence, by inserting ''(which may be within a health care facility)'' after ''home and facility''; and

(iii) in the third sentence—

(I) by striking ''mortgage under this section'' and all that follows through ''feasibility'' and inserting the following: ''such mortgage under this section unless (i) the proposed mortgagor or applicant for the mortgage insurance for the home or facility or combined home or facility, or the health care facility containing such services, has commissioned and paid for the preparation of an independent study of market need for the project'';

(II) in clause (i)(II), by striking ''and its relationship to, other health care facilities and'' and inserting ''or such facilities within a health care facility, and its relationship to, other facilities providing health care'';

(III) in clause (i)(IV), by striking ''in the event the State does not prepare the study,''; and

(IV) in clause (i)(IV), by striking ''the State or'';

(iv) by striking the penultimate sentence and inserting the following new sentences: ''A study commissioned or undertaken by the State in which the facility will be located shall be considered to satisfy such market study requirement. The proposed mortgagor or applicant may reimburse the State for the cost of an independent study referred to in the preceding sentence.''; and

(v) in the last sentence—

(I) by inserting ''the proposed mortgagor or applicant for mortgage insurance may obtain from'' after ''10 individuals,'';

(II) by striking ''may'' and inserting ''and''; and

(III) by inserting a comma before ''written support''; and

(D) in paragraph (4)(C)(iii), by striking ''the appropriate State'' and inserting ''any appropriate''; and

(4) in subsection (i)(1) by inserting ''health care facilities,'' after ''assisted living facilities,''.

SEC. 503. HOSPITALS AND HOSPITAL-BASED HEALTH CARE FACILITIES.

Section 242 of the National Housing Act (12 U.S.C. 1715z–7) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon at the end;

(ii) by striking subparagraph (B);

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by redesignating subparagraph (C) as subparagraph (B);

(B) in paragraph (2), by striking ''respectfully'' and all that follows and inserting ''given such terms in section 207(a), except that the term 'mortgage' shall include a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide.'; and

(C) by adding at the end the following new paragraph:

''(3) the term 'health care facility' has the meaning given such term in section 232(b).'';

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after ''operation,'' the following: ''or which covers a health care facility owned or to be owned by an applicant or proposed mortgagor which also owns a hospital, including equipment to be used in its operation,'';

(B) in paragraph (1)—

(i) in the first sentence, by inserting before the period at the end the following: ''and who, in the case of a mortgage covering a health care facility, is also the owner of a hospital facility''; and

(ii) by adding at the end the following new sentence: ''A mortgage covering a health care facility may only cover the property on which the eligible facility will be located.'';

(C) in paragraph (2)(A) by inserting ''or health care facility'' before the comma; and

(D) in paragraph (4)—

(i) in the first sentence, by inserting ''for a hospital'' after ''any mortgage'';

(ii) by striking the third sentence and inserting the following: ''If no such State agency exists, or if the State agency exists but is not empowered to provide a certification that there is a need for the hospital as set forth in clause (A) of the first sentence, the Secretary shall not insure any such mortgage under this section unless (A) the proposed mortgagor or applicant for the hospital has commissioned and paid for the preparation of an independent study of market need for the proposed project that (i) is prepared in accordance with the principles established by the Secretary, in consultation with the Secretary of Health and Human Services (to the extent the Secretary of Housing and Urban Development considers appropriate); (ii) assesses, on a marketwide basis, the impact of the proposed hospital on, and its relationship to, other facilities providing health care services, the percentage of excess beds, demographic projections, alternative health care delivery systems, and the reimbursement structure of the hospital; (iii) is addressed to and is acceptable to the Secretary in form and substance; and (iv) is prepared by a financial consultant selected by the proposed mortgagor or applicant and approved by the Secretary; and (B) the State complies with the other provisions of this paragraph that would otherwise be required to be met by a State agency designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act. A study commissioned or undertaken by the State in which the hospital will be located shall be considered to satisfy such market study requirement.''; and

(iii) in the last sentence, by striking ''feasibility''; and

(3) in subsection (f), by inserting ''and public health care facilities'' after ''public hospitals''.

SEC. 504. HOME EQUITY CONVERSION MORTGAGES.

(a) INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMS.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

''(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

''(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

''(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of (A) the total cost of the refinancing, and (B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

''(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

''(A) the mortgagor has received the disclosure required under paragraph (2);

''(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

''(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

''(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

''(5) ACTUARIAL STUDY.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

''(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

''(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

''(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

''(6) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary. The Secretary shall prohibit the charging of any broker fees in connection with mortgages insured under this subsection.''.

(2) REGULATIONS.—Notwithstanding sections 2 and 3 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act, the Secretary shall issue any final regulations necessary to implement the amendments made by paragraph (1) of this subsection, which shall take

effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) STUDY OF SINGLE NATIONAL MORTGAGE LIMIT.—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act; and

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. Speaker, the bill before the House today is the result of a truly bipartisan effort to address the range of critical housing needs of our seniors, individuals with disabilities, and low-income families. The proposal not only contains many original provisions from H.R. 202, a bill introduced this year by the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH), and the subcommittee chairman, the gentleman from New York (Mr. LAZIO), but also brings the facets of H.R. 1336, the Emergency Residents Protection Act, introduced by the gentleman from Iowa (Mr. LEACH), the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, the gentleman from New York (Mr. WALSH), and the gentleman from New York (Mr. LAZIO) on March 25.

Also contained within the bill are ideas from H.R. 1624, the Elderly Housing Quality Improvement Act, and provisions of H.R. 425, the Housing Preservation Matching Grant Act, introduced by the gentleman from Minnesota (Mr. VENTO), and also the gentleman from Minnesota (Mr. RAMSTAD).

The bills have been the subject of three committee hearings during the 106th Congress. Majority and minority committee staff have worked along with HUD staff for the last several months to develop a bipartisan consensus product supported by the committee's Republican and Democratic leadership. The Committee on Banking and Financial Services reported out the bill last Friday by a unanimous vote. As Members can see, Mr. Speaker, this bill encompasses a broad spectrum of ideas, and they are all the right ideas to help America's seniors and other vulnerable citizens find affordable housing.

Let me take a moment to explain why I feel this is such an important legislative matter. On the horizon, a gray dawn is approaching where more and more Americans will live longer and enjoy more active healthy lives. More than 33 million people in the United States are now 65 years of age or older, and by the year 2020 that number will grow to almost 53 million Americans. That is one in every six Americans. This new-found longevity should be celebrated, but we must also not take our future quality of life for granted.

In this environment of an aging population, we must not overlook the fact that millions of senior citizens will suffer a crisis of safe, affordable housing if we fail to prepare for it. Even today, the U.S. General Accounting Office and the U.S. Department of Housing and Urban Development have determined that at least 1.4 million senior citizens are already experiencing worst-case housing needs. Seniors are more likely than any other adults to be poor, and nearly 40 percent of seniors not in nursing homes are limited by chronic conditions, unable to perform the simplest activities associated with independent living.

These senior citizens who helped create the foundations for the greatness of our country today deserve to know that they will be taken care of. This bill should provide that peace of mind.

The provisions in this bill are designed to protect our seniors, the disabled, and our vulnerable families from displacement of drastic rent increases, and offers greater program flexibility to broaden the scope of these important programs. Specifically, the bill accomplishes that through a number of provisions.

First, it provides HUD with the authority to convert the subsidy financing of section 202 senior housing projects built from section 8 prior to 1990 to the 5-year project rental assistance contracts, PRAC, that have been offered to projects since 1990. This allows nonprofit senior housing providers and HUD to streamline the administration of the program. Operated outside of the section 8 regulatory regime, providers are provided relief from often complex and burdensome rules. More importantly, the extraordinary level of stress and anxiety senior citizens often feel under section 8 programs are removed.

Secondly, it reauthorizes the section 202 program, which is the primary method of Federal finance for low-income senior citizens. We authorize supportive housing for elderly persons and for persons with disabilities and provide grants for service coordinators for elderly and disabled projects.

Third, it expands housing opportunities for seniors and individuals with disabilities, and it contains many common sense provisions to increase program flexibility.

Fourth, this bill protects seniors, the disabled, and vulnerable families from being displaced from their housing because of section 8 opt-outs. The Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services held hearings earlier this year on the problem of expiring section 8 contracts and found that a significant number of owners that were indicating they planned to opt out of section 8 programs. Five hundred units are at risk over the next 5 years of being lost as affordable housing if we do not act.

Finally, it would make amendments to the existing Home Equity Conversion Mortgage program, allowing seniors to maximize the equity in their homes by streamlining the process of refinancing reverse mortgages.

Mr. Speaker, I thank the chairman of the subcommittee and the chairman of the full committee for their leadership on this issue and thank many members of the committee, the leadership on the minority side, as well as HUD for working with us in such a bipartisan manner to solve these problems.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE), the ranking member of the full committee, whose leadership was essential to this bill coming forward.

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

Mr. LAFALCE. Mr. Speaker, first I rise in strong support of H.R. 202 and urge its adoption.

According to HUD, there are over 1 million elderly families in this country with worst-case housing needs. As our population ages, the housing and related health care needs of senior citizens is certain to grow, yet not only has the role of the Federal Government in affordable housing new construction been cut back, but the so-called opt-out crisis threatens us with the loss of hundreds of thousands of section 8 housing units.

H.R. 202 is a well-crafted bill to address the dual challenges of preserving affordable housing and improving our existing elderly and disabled housing programs. It has been developed in a thoroughly bipartisan manner, taking the best provisions offered from both sides of the aisle.

I would like to start by commending the chairman of the Subcommittee on Housing and Community Opportunity, the gentleman from New York (Mr. LAZIO), for his leadership on this bill. He has made affordable housing preservation a priority of our housing subcommittee, culminating in the inclusion of strong housing preservation and tenant protections in this bill. I also appreciate his acceptance of many provisions for my elderly housing legislation, H.R. 1624, the Elderly Housing Quality Improvement Act.

I would also like to acknowledge the extremely hard work on this bill by the gentleman from Massachusetts (Mr. FRANK), the Housing Subcommittee ranking member. The gentleman from Massachusetts has been a leader in preserving our section 8 project base housing stock through the prevention of section 8 opt-outs. He has played an instrumental role in both the HUD mark-to-market initiative and in the legislation before us.

I would also like to note this bill includes H.R. 425, a very important bill authorized by the gentleman from Minnesota (Mr. VENTO) that would create a matching grant housing preservation program. The Vento bill complements HUD's mark-to-market initiative by encouraging States and localities to participate in housing preservation in a partnership with the Federal Government under a matching grant program.

Today, the House is considering H.R. 202, the ''Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act.'' H.R. 202 includes a number of provisions from H.R. 1624, the ''Elderly Housing Quality Improvement Act,'' which I introduced earlier this year, along with Reps. VENTO, KANJORSKI, and a number of other members. Following is a detailed explanation of the provisions from H.R. 1624 which are being included in H.R. 202.

Experts agree that we should provide housing options that help seniors age in place, that preserve their independence and self-sufficiency, and that provide alternatives to nursing home care. H.R. 1624 furthers these goals, by making changes to our elderly affordable housing programs to enhance the quality of life and to improve the continuum of care for lower income senior citizens.

A major focus of H.R. 1624 is the physical repair and maintenance of our federally assisted elderly housing stock. As units built in the 1970's and 1980's have aged, project sponsors, many of them non-profits, too often lack the resources for adequate repair and maintenance. There are four provisions in H.R. 1624 that give elderly affordable housing sponsors more resources in this area.

Section 309 of H.R. 202 [Section 2 of H.R. 1624] creates a new capital grant program for capital repair of federally assisted elderly housing units. Funds are to be awarded on a competitive basis, based on the need for repairs, the financial need of the applicant, and the negative impact on tenants of any failure to make such repairs.

Sections 405(a) and (b) of H.R. 202 [Sections 3(b) and 3(c) of H.R. 1624] amend an existing grant program, created by the 1997 mark-to-market legislation, which authorizes HUD to make multi-year grants to federally insured affordable housing projects from funds recaptured when existing Section 236 projects prepay their loans and surrender their Interest Reduction Payment (IRP) subsidies. Section 405(a) of H.R. 202 accelerates the availability of these multi-year grants to an up-front capital grant, so that sponsors may use the funds for much-needed capital repairs. Newly added Section 405(c) requires that any project which receives an accelerated capital grant under this program must agree to maintain the project's affordability for at least the term of the IRP payments which secure the grant.

Section 405(b) expands eligibility for such grants to include non-insured, federally assisted affordable housing projects—eg., to include non-profit-sponsored and Section 202 projects. The Congressional Budget Office has determined there is no cost to either of these provisions.

Section 403(b) of H.R. 202 [Section 3(d) of H.R. 1624] helps undercapitalized non-federally-insured Section 236 projects, many of which are non-profit—by letting them keep their ''excess income,'' as insured projects are currently allowed to do. Excess income is rent that uninsured projects can collect, but must give back to the federal government.

And, Section 102 of H.R. 202 [Section 3(a) of H.R. 1624] facilitates the refinancing of high interest rate Section 202 elderly housing projects. Specifically, this section guarantees that, in addition to keeping all of the funds generated up-front by a refinancing, a Section 202 sponsor may keep 50% of annual debt service savings, plus all of excess reserve funds, as long as such savings are used for the benefit of the tenants or for the benefit of the project.

A second major focus of the bill is to make assisted living facilities more available and affordable to low income elderly. Assisted living facilities provide meals, health care, and other services to frail senior citizens who need assistance with activities of daily living. Unfortunately, poorer seniors who can't afford assisted living facilities are generally forced to move into nursing homes, with a lower quality of life, at a higher cost to the federal government

To address this affordability problem, Section 309 of H.R. 202 also authorizes funds under the newly created capital grant program to be used for the conversion of existing federally assisted elderly housing to assisted living facilities. Section 310 of H.R. 202 authorizes a similar grant program for the conversion of public housing projects to assisted living facilities.

Section 311 of H.R. 202 [Section 5 of H.R. 1624] authorizes the use of Section 8 vouchers to pay the rental component of any assisted living facility. This would make 200,000 senior citizens currently receiving vouchers eligible to use such vouchers in assisted living facilities. This flexibility, designed to enhance the continuum of care, is accomplished at no cost to the federal government.

A third major focus of H.R. 1624 is the promotion of the use of service coordinators, which help elderly and disabled tenants gain access to local community services, thereby facilitating their independence. Section 203 of H.R. 202 [Sections 4(a) and (b) of H.R. 1624] doubles funding for grants for service coordinators in federally assisted housing—by authorizing $50 million in fiscal year 2000 for new and renewal grants. Section 203 also authorizes $11 million in funds for new public housing service coordinator grants, and mandates renewal of all expiring grants, alleviating concerns raised earlier this year by the public housing service coordinator lottery.

And, Section 341 of H.R. 202 [Section 4(c) of H.R. 1624] changes existing law to let service coordinators serve other low-income seniors in a local community, in addition to those at the site of the grant sponsor. This allows for economies of scale, permitting smaller elderly and disabled housing projects to better compete for funds, and generally improves flexibility of the program.

Finally, I would note that H.R. 202 also increases funding for the Section 202 elderly housing new construction program, and promotes the use of pilot programs to create additional mixed income, mixed financing housing. Both increased funding and increased flexibility were provisions included in Section 7 of H.R. 1624.

Cumulative, the provisions cited above improve the quality and availability of affordable elderly and disabled housing, promote aging in place, and complement the other provisions of H.R. 202. I urge their enactment into law.

Mr. Speaker, this is a very good bill that will do a great deal of good for many elderly, disabled, and families throughout our Nation. I commend all those who have worked together collegially on it and urge its adoption.

Mr. LAZIO. Mr. Speaker, I yield myself 30 seconds to compliment both the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK) for their extraordinary collaboration on this bill and their cooperation in moving this through. It is very important, and we are trying to get ahead of the appropriations process. This was almost an ideal model, Mr. Speaker, of putting a bill together and taking the best ideas of both sides.

I also want to tip my hat to the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH), for both his leadership and his interest in issues affecting both disabled and seniors' housing.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), a great champion of housing, and I also want to thank the gentleman for standing in for me and delivering some remarks.

Mr. BEREUTER. Mr. Speaker, I thank my distinguished subcommittee chairman, the gentleman from New York (Mr. LAZIO), for yielding me this time.

I want to particularly commend the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY) for successfully offering a specific amendment that expands an existing study in H.R. 202 regarding the number of section 811 projects for disabled housing to also include the per-unit cost of section 202 projects for senior citizens. This amendment was passed en bloc with the manager's amendment in the Subcommittee on Housing and Community Opportunity and then in the full committee.

Due to the efforts of the gentlewoman from Illinois, this Member and others, by unanimous consent a second-tree amendment to the manager's amendment was accepted by the Committee on Banking and Financial Services.

□ 1700

The second-degree amendment provides for the insertion of an additional consideration to the above-mentioned study of section 202 and section 811 housing. This provision requires that the section 202 study examine social considerations afforded by smaller and moderate-sized developments and not be limited to the examination of solely economic factors. The intent behind this provision is a recognition of the probability that if only per-unit cost factors were examined in this H.R. 202 study, then the economies of scale would dictate a construction bias toward large, high-rise section 202 or section 811 complexes as compared to small and moderate-sized developments in both urban and nonmetropolitan areas.

However, this Member believes that bigger is not always better in such housing developments. In many cases, it can be shown that housing developments which are not very big in size may better meet the living environment desires and the social concerns of its residents and also provides for a more advantageous integration of the development and the residents into the immediate neighborhood.

Moreover, the second-degree amendment also increases the availability of developable sites for section 202 and section 811 projects. Finally, among other important considerations, smaller and moderate-sized section 202 and section 811 projects which are certainly needed in smaller and medium-sized communities are more likely to be approved if the cost per unit criterion is not the overwhelming consideration.

In closing, I want to thank my colleague from Illinois and all of those on both sides of the aisle that supported her and this Member and encourage my colleagues to support this legislation generally. It is excellent legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds. When I was a kid growing up watching baseball games, I remember Mel Allen, the Yankee announcer, saying it was often the case that someone made a great play out in the field and then that person would be the first one up at bat in the next inning. The gentleman from Nebraska has just pointed out the great work done by the gentlewoman from Illinois, so it is only appropriate that she be first up now in speaking.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H.R. 202. I want to thank the gentleman from Nebraska for his support of this particular provision. I know that his support has helped to improve this bill. I want to thank the chairman and ranking member of the Committee on Banking and Financial Services for bringing this matter to the attention of the committee and to the full House of Representatives and the chairman and ranking member of the Subcommittee on Housing and Community Opportunity as well as my colleague from Minnesota who made such significant contributions to the improvement of this bill. I am happy to add what I could and to cosponsor it.

The bill would authorize more money for housing for seniors and persons with disabilities and make that money available to buy more amenities for that housing. In so doing, this bill recognizes that there is a crisis in housing for seniors and persons with disabilities and seeks to meet their particular housing needs. I am especially enthusiastic about this legislation because it includes provisions that will encourage more funding for smaller and more livable housing developments and thereby allow nonprofits in my district and across the country to better meet the housing needs of seniors.

Traditionally, publicly assisted housing was large scale. And while we may have achieved economies of scale, we also did not consider necessarily what is best for seniors and persons with disabilities. We do not build large developments in the same way that we did anymore. Instead, we are building smaller and more livable developments.

Unfortunately, the grant formula does not account for smaller developments and the lost savings. In my district there is housing development after housing development whose grant award is insufficient to build developments that are already approved. For example, I spent part of Sunday at Ebenezer AME church announcing the award of over $2 million in supplemental HUD grants so that we could finally build a project that HUD had originally approved 3 years ago. In fact, this year I had to request supplemental grants for nearly 10 underfunded projects back home. Clearly, the grant formula needs to be adjusted. I hope that the provision that I was able to add that was included in this bill will get us the necessary information to make the appropriate adjustment.

For this reason, I urge my colleagues to support H.R. 202 and again thank the ranking member of the Subcommittee on Housing and Community Opportunity for granting me the time to speak to this.

Mr. LAZIO. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from New York for yielding me this time. I too would like to commend my friend and colleague the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her work on this bill.

I rise today in strong support of H.R. 202. This bill takes a very successful program, section 202, and makes it more cost effective, easier to administer and more supportive of a good quality of life for older Americans as they age in our senior facilities.

When I meet with seniors back home in Illinois, many say that the issue that concerns them most is housing and the fear that at any time it can be taken away, that they will be forced to leave their familiar surroundings. This bill attempts to lessen that fear by discouraging for-profit owners from opting out of the section 8 program, by protecting elderly and other residents, and by providing the resources States need to preserve the existing supply of affordable housing.

The desire to remain in familiar surroundings does not diminish with age. H.R. 202 will help ensure that comfort and peace of mind. I urge my colleagues to join me in support of H.R. 202.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. VENTO) who has for a long time been a leader in the most creative use of our housing resources.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding me this time and commend him for his good work and that of his staff as well as the gentleman from New York (Mr. LAZIO) for the work he has done on this bill and his staff and others that have worked so hard on the committee. I know that there are many to be recognized and everyone wants to be associated with a good product. That is an indication of a bill that should pass in this House with little opposition.

Frankly, Mr. Speaker, I think today in housing we have a very severe problem, one in which we have to move forward to meet. Our public housing is in fact in decline in terms of numbers. I think the quality is good. Just this weekend a survey came out in the Minnesota press which indicated that 86 percent of the respondents that lived in public housing were very, very satisfied with the type and quality of housing that they are receiving. Another area of housing, of course, is the private sector, the privately owned section 8 housing that we are addressing in this particular bill as well as some of the housing for the elderly and disabled. Our problems with especially the privately owned section 8 is that 3 to 4,000 units a month are being lost because privately owned buildings are coming up to the point where they can pay off the loan and get out of the contract in terms of serving low-income persons, and we had to address that.

We do it in a couple of ways in this bill. One is to provide for greater fair market rents, a project, an initiative that had been started some years ago and is enhanced in this bill. And we come up with a grant program that I helped put together with my State housing finance agency and the leadership of the Minnesota governors that

had supported it. It would create a partnership so that States and local governments can get involved through a grant process that we have in this bill to try and preserve those 3 or 4,000 units of housing per month that are being lost.

Our State is especially hard hit by this because we were very aggressive in taking advantage of the assisted housing or privately owned section 8 housing. We have been able to enlist about 63 sponsors on this. I think the bill is obviously slated for passage today. Trying to get ahead of the appropriations or the spending bills process has been difficult for us this year, but fortunately we have time. I hope that we can add now to the policy that we have in paper here the dollars that are necessary to carry it out.

This is a good bill in the sense that it tries to do some innovative things for the elderly, some assisted housing programs. Increasingly as we are dealing with frail elderly, our populations are aging in the public and assisted housing programs, very often served by nonprofits, sometimes served by local and State governments, but these individuals need increasing numbers of services. I think it is important to remind ourselves that the longer people stay in their own residence, apartments such as this, the cheaper it is for the taxpayer and for all of us, and I think more importantly providing them the dignity and quality of life that is necessary.

Mr. Speaker, we have worked hard in the past to try and respond to that, but we have enormous problems ahead of us as the demographics of our population shift to more elderly, and, of course, I think that we need to continue to respond to the needs of the disabled with the special housing needs, integrating them into our communities, making them part rather than setting them apart from the communities in which they work and in which we live. I think it is a hallmark of our society and that we aspire to fulfill an American promise of shelter, of home ownership very often, or of adequate residence so that persons can be part of our society and can have good housing.

The issue of course, Mr. Speaker, I think that looms over us as a dark shadow is the increasing problems that persist with homelessness and other problems. These types of bills and these actions are positive efforts to avert that particular phenomenon. But we have got a long way to go before we rest, Mr. Speaker. I would hope that this is the first step and the downward decline in terms of Federal housing, that we will be able to change our priorities and put the dollars that are necessary into good housing programs we have, whether they be the public assisted, the 202, the disabled or the other programs that are included in this positive policy measure before us.

Mr. Speaker, I rise in support of H.R. 202, legislation that will give us several tools to preserve affordable housing for Americans across the country and that will work to improve the services and living arrangement for seniors and physically-challenged Americans as well.

One of those tools is the creation of a new housing preservation matching grant taken from a bill I sponsored, H.R. 425, which has 63 House cosponsors including all of the Minnesota delegation. I am especially pleased at its inclusion as our state, led by the Governor and Commissioner of Housing Finance Hadley, has taken a leadership role in working to preserve federally-assisted housing. Enactment of this legislation would help the federal government partner with Minnesota and other states and localities that step up to the plate with resources to save this precious resource.

Just last week, the Department of Housing and Urban Development released a new study showing that the number of houses and apartments that low-income families can afford is shrinking. Based on data from the Census Bureau's latest Housing Survey, the report, entitled The Widening Gap: New Findings on Housing Affordability in America, found that affordable rental units decreased by 372,000 units from 1991 through to 1997. No doubt, the pace has only accelerated these past two years.

This report and the ever growing body of data and surveys, such as the recent ''Out of Reach'' report released by the National Low Income Housing Coalition that showed that the national average hourly wage needed to be able to afford housing is well over eleven dollars, indicate that we are no longer on the cusp of a crisis, but are actually in a severe affordable housing crisis that we must arrest. That is why the passage of this policy bill today will be a great step towards addressing the tremendous need for affordable housing.

In Minnesota, the situation is critical. In the St. Paul-Minneapolis Metro area, our vacancy rate is hovering at one percent. The market is hot. There are few options besides long waiting lists and closed doors for people who lose their housing. Those fortunate enough to have a new voucher in all likelihood won't be able to use it. The MN Metropolitan Council HRA tells us that eight out of nine households with section 8 certificates, and three out of four with vouchers are unable to find housing and are forced to return the assistance!

In the Twin Cities and across the nation, the combination of low entry level wage rates, rents outpacing incomes and a retreat in federal support for affordable housing has left us in a dire situation in terms of meeting affordable low-cost housing needs. If owners choose to opt-out or prepay their mortgages, the result is that many income limited residents who cannot afford the increase will lose their homes as well as the support network provided by their communities. So-called ''sticky'', or enhanced vouchers are only a temporary band-aid. Sticky vouchers detach if you leave the building or rents rise too much. This adhesive becomes unglued with too much weight and dry with time.

I want to express my appreciation to Chairman LEACH and Subcommittee Chairman LAZIO and his staff, and to Ranking Members LAFALCE and FRANK and their staff for all the cooperative work involved in this bill. I also am thankful for the support of the many bipartisan cosponsors of this bill and for the tenants and organizations across the country that have worked in support of H.R. 425.

I am hopeful that the revised provisions of H.R. 425, embodied in Section 404 of the bill will be enacted into law as there is support in the other body as evidenced by the introduction of companion legislation, S. 1318. Section 404 in which H.R. 425 is incorporated will provide a 1:1 match for non-federally sourced dollars and a 50 cents match for every federally sourced dollar focussed on preserving federally-assisted housing, including Section 236, Section 515, and Section 8. It is a simple program that will target the dollars to low-vacancy areas and to tenants who would otherwise find it very difficult to locate alternative affordable housing. It is another important tool in the toolbox for HUD, the state and local governments, and the non-profits and for-profit owners who own and manage this low-income housing.

Mr. Speaker, I am also pleased that we were able to include language that will ensure that previously issued enhanced vouchers, just like those we are creating in this legislation, are able to sustain subsequent, reasonable rent increases.This has been a very critical issue for families in Minnesota. HUD has already lost a court case contesting the rent increases. We need to move forward on this and I hope that we can see such sound housing policy implemented and fully funded by our appropriators as soon as possible.

Mr. Speaker, we must commit ourselves to move forward once the House has passed this important measure, to be certain that the provisions are supported in the appropriations conference on the VA, HUD and Independent Agencies appropriations bill. Providing adequate funds for these ideas and programs is essential if the dream is to be a reality. Without funding for preserving affordable housing, the promise of H.R. 202 will not be met. The issue and crisis are immediate; so, too, must be the policy and funding. Each month we lose 3,000–4,000 units through ''opt out'' decisions alone. To postpone the policy and funding a year will mean the loss of over 40,000 units!

Mr. Speaker, I urge my colleagues to support H.R. 202.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. WEYGAND), another member whose work is reflected in this bill.

Mr. WEYGAND. Mr. Speaker, I would like to first begin by thanking our ranking member on the subcommittee the gentleman from Massachusetts (Mr. FRANK) as well as the gentleman from New York (Mr. LAZIO) for the great work that they did in putting this bill together. Truly if we could get all bills before us in this manner, I think this session would be over rather quickly. I also want to thank the ranking member of the full committee the gentleman from New York (Mr. LAFALCE) for his help on this bill and particularly sections that we got incorporated into the bill.

Mr. Speaker, I would like to talk about two sections: Actually one is on telemarketing fraud. The other is on assisted living. Telemarketing fraud has besieged many people throughout this country. As a matter of fact, latest estimates are about $40 billion a year are lost in this country in telemarketing fraud. The largest amount

of fraud that goes on are for those people over the age of 65. There are 33.1 million people in this country over that age and many of them live in much of our section 8 housing and other assisted housing that we have throughout this country. Yet there is not much done about trying to show them, educate them and prevent telemarketing fraud from occurring in those developments and those section 8 housing programs.

There is a section within this bill that will provide and allow for HUD to embark upon a new program that will actually help reduce and eliminate telemarketing fraud in many of our housing developments, particularly those for the senior citizens. It is incredibly important, because many of our seniors are very proud and when they are struck by telemarketing fraudsters, they indeed do not tell other people. Programs that can be initiated to help save billions of dollars will be very, very good for our seniors but most importantly it is good that we have included it in this program.

There is another section in this bill that is extremely good, I am very happy to see that we are moving forward on, and that is assisted living. Many of the section 8 housing units and many of the assisted programs that we have in the 202 bills do not provide presently for assisted living. It is the area that the low-income and the low-middle income really need assistance in. We have now begun to embark upon real change and modification to help in the assisted living area. This is most needed. I congratulate our ranking member and our chairman for including these provisions in there. It is a step in the right direction.

For those of us who have done so much on senior issues, this I think will be an added boost to making sure that not only do we have independent living but we have the assisted living funding for these people that is so desperately necessary.

Mr. FRANK of Massachusetts. Mr. Speaker, to close on our side, I yield myself such time as I may consume.

I want to begin by acknowledging the staff work on this. This is, more than most bills, one where the staff did a great deal of work because what we had was a bipartisan consensus on some very important but technical issues. So on the Republican side to Mr. Ventrone, Mr. Cassidy and Mr. Suarez; on our side to Mr. Olson, Ms. Kuntz and Ms. Johnson-Obey, a great deal of thanks is due because they are the reason we got this worked out.

I want to talk for just a couple of minutes about the nature of both the bipartisanship and the partisanship because it sometimes can seem to people paradoxical that we are on the one hand sometimes very partisan and then we talk about the importance of bipartisanship. The answer is in our democratic society, they both have a place and this bill illustrates it.

When it comes to the question of how much in the way of Federal resources we should put into housing, whether we should be expanding these programs, whether the government needs to step in or whether the private market can be left entirely on its own, there are legitimate partisan differences that ought to be debated, how much needs to be done by the public sector and how much can be left to the private sector.

The bipartisanship comes in here once we have a decision made as to what resources are going to be available. This bill is a bipartisan consensus, because it deals with a fixed amount of resources and, in fact, it even deals to a great extent, not entirely, but to a great extent with programs in being.

□ 1715

The chairman of the subcommittee, who did excellent work on this, and the other Members, including the senior Members on both sides, the chairman and the ranking member and myself, we were confronted with the consequences, potentially socially disastrous, of decisions made 30 years ago or more. Decisions were then made unwisely, but not much we can do about them, which put people into certain kinds of housing, especially more vulnerable people, all the people and disabled people, but not exclusively, and then had the programs set to expire in 20 or 30 years without apparent thought as to what would happen to those people who had moved in at the age of 68 or 69 or 70 into a program where the building was 15 years into that expiration, and then in their eighties faced the possibility, when this program expired, of being kicked out.

So what we have here, and it is important for people to understand this, to the extent that the Federal Government has constitutional power to preserve existing subsidized tenancies for individuals who are now living in them, this bill does it. We cannot in some cases compel owners who want to move out of the program and were given the rights to do it.

We hope, and the bill is generously enough drafted, and this is something, again, I acknowledge the bipartisan support which was important. The bill is well enough drafted so that owners ought not to drop out. No one can say I am driven economically to drop out. This bill would treat anyone fairly. No one is going to be asked to lose money by staying in the program. We cannot take away their legal right to get out; we can diminish their financial incentive to get out. We do that. We, to the extent that we can, preserve various forms of assisted-housing tenancies, and that is very important.

We also, Mr. Speaker, again in a bipartisan way, say in this bill to the extent that we get some new resources for the future there will be more flexibility in how you use them, and that is also very important.

That is what is bipartisan about this bill, and that is why I think it is something that ought to be passed by a large amount.

On the other hand, I want to note the area where partisanship remains legitimately. That is, we may still have later in this session differences over how much we should be devoting to these kind of programs. I would simply say this, and I do not mean to delay us to get into that debate now because I hope we can resolve that debate because I hope this bill will become part of an appropriation bill that will become law, and let me say I have been told that some people at the Office of Management and Budget do not like some provisions of this because going forward it bothers them.

Let me say that it bothers me that it bothers them, and speaking on behalf of the Democrats on our side, it is our intention completely and utterly to ignore them, and I hope my friends on the other side will join us in paying no attention to what I hear OMB may say. As long as we are within the overall limits, the specifics of this are not matters on which I wish to hear from them; and if they speak out, let them do that, but let them be the tree that fell in the forest where nobody was around, Mr. Speaker.

But I would say this: we responded here, and I thank the gentleman from New York for this, the gentleman from Iowa, and the senior gentleman from New York on our side. We responded to a desperate set of pleas. We heard this in hearings: people now living in these federally assisted programs said to us: please save our homes. These are in many cases federally assisted, subsidized, taxpayer-supported housing units; and they are so successful as programs that the residents literally begged us not to allow them to be kicked out.

Now obviously we have, as I said, legitimate debates about resources, but I would note the fervor with which they asked us to save their housing as an example of how government programs can be valuable and valued. We responded to people that said, It's a good thing that you put these public resources in here. Please don't leave us out.

Now, with that, Mr. Speaker, you can finally get the gavel you reached for three times already because I am through. I just want to say in summary this is bipartisan appropriately in working within the limited resources we have, but I believe it also ought not to be forgotten when we get into the more partisan argument and the more philosophical argument about whether programs like this ought to be expanded into the future. The depths of the desire to preserve these programs to which we have responded is also an argument, I believe, for an expansion in the future.

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

Mr. Speaker, I would like to return the compliment from the gentleman from Massachusetts (Mr. FRANK) and

thank him for his commitment to housing, for his intellectual grasp of the issues, and for his engagement on this. As the gentleman from Massachusetts had mentioned, we are, if not nearly, then precisely, in a crisis situation. Twenty and 25 years ago, the Federal Government extended contracts to apartment owners in the hopes that it would encourage them to build these apartment units to help house seniors that could not find any other place to live. They came to these assisted housing, these section 8 locations, because they could not afford an apartment in some other part of the community, and now 20 years later the contracts which the Federal Government had with these owners have expired or are expiring, and they threaten 500,000 seniors, 500,000 people who are seniors, who are disabled, many who are folks that have lived there for very long, because the owners now have the opportunity to opt out, and what we have done with this bill is to create the right incentive for owners to ensure the continuity of allowing the seniors, the disabled, the folks that have been in there, to continue to live in there.

I cannot think of what else our challenge, our charge, ought to be if we cannot at the outset ensure that we have housing for the elderly, for the disabled, for the folks that no matter what the encouragement of the incentive cannot go out, cannot work harder, cannot go out into the market and afford their own unit. That is the very reason why we have a public sector response for housing for folks who are elderly and disabled and who suffer with other income problems.

But in particular I want to say that we are creating some new tools here with this legislation that would not just affect seniors who are living in section 8 housing, but also seniors who have come to live in what we call section 202 housing, which really is the premier senior housing program that our Nation has.

If colleagues have a section 202 project in their community, they probably do not know that it is a section 202 project. We only know here in Washington, some bureaucrat may know, but my colleagues probably know it as a place where a lot of seniors enjoy themselves very much, where they have a common room, where they love where they live, where they have a sense of neighborhood, and the last thing that we want to do is create anxiety to erode the peace of mind that seniors have that the place that they live will be there for them next month and next year and the year after that.

Unlike other parts of the population, there is not the same drive, for example, for vouchers for seniors. Seniors who come to the committee who see us in our districts say that they like where they live for the most part. They want to know that they will be able to stay there, to age in place. They like their friends and family in the area, they enjoy the services that they have come to rely on through section 202 program, and by making some relatively modest, but very important, adjustments in this program we give those seniors the peace of mind to know that they can live their life out there, if that is what they want.

This bill will provide greater flexibility and resources to our existing seniors in disabled housing programs. It allows project-financed modernization, the creation of mixed income environments and conversion to assisted living facilities for aging in place without undermining the current population that relies on section 202. We also protect seniors, individuals with disabilities and vulnerable families from displacement in the opt-out situations that I was just talking about by providing rental vouchers that have enough value to allow them to remain in their homes.

Mr. Speaker, this bill does exactly what the public calls upon Republicans and Democrats to do, to put their differences aside, to try and work within the confines, as the gentleman from Massachusetts (Mr. FRANK) had mentioned of a budget and to make sure that we get value for our dollars, to look with a sense of creativity but commitment to the future, to trust that people will use the flexibility that they have in this bill to extend these resources to even more seniors, to even more folks who struggle with disabilities and to ensure that they have the security and peace of mind to know that that housing will be there for them in the years ahead because, Mr. Speaker, I will say it is very important that one has health care.

It is essential; it is very important that one has a meal. It is very important that one has counseling to ensure that they pay your bills. But if one does not have a roof over their head, if they do not have a place to go back at night, if one does not have a pillow to put their head on, they cannot begin to even get their life together, and that is the role that the Federal Government plays.

Mr. Speaker, I am proud of the collaborative effort that we have here, a bipartisan effort. I want to thank again the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New York (Mr. LAFALCE) and again compliment the chairman of the full committee, the gentleman from Iowa (Mr. LEACH), for his great work. There were two people that were left out of the common staff people that the gentleman from Massachusetts (Mr. FRANK) left out which I now want to mention, if I can. One is Clinton Jones who sits right here on my left who helped greatly and also Sarah Chapman within the committee who also assisted with the drafting of this bill.

I urge adoption of the legislation before us.

MARKING UP TO MARKET: RENEWING SECTION 8 CONTRACTS AND THE PROBLEM OF OWNER ''OPT OUTS''

Prepared By: Majority Staff.

Date: June 23, 1999.

STATEMENT OF THE PROBLEM

Owners of affordable multifamily housing projects subsidized through the federal ''Section 8'' program are, in increasing numbers, discontinuing their participation in the program and choosing to ''opt out'' upon expiration of their current Section 8 contracts. These increasing opt-outs could place thousands of residents, many of whom are elderly or persons with disabilities, at risk of losing their housing.

Section 8 opt-outs further erode the stock of affordable housing. Already Section 8 mortgage prepayments of federally-insured mortgages (the method by which a Section 8 project owner may terminate any affordability or use restrictions imposed on the property), have removed a substantial portion of units from the affordable housing inventory. In 1998, more than 345 properties with approximately 38,000 affordable housing units were removed from the Section 8 program as a result of both voluntary opt-outs by owners and HUD terminations. Through 2004, Section 8 contracts covering more than one million subsidized units will expire. Of these more than 500,000 units of affordable housing may be at-risk of being lost due to opt-outs.[1]

THE SECTION 8 PROGRAM

The Section 8 program (which gets its name from the provision of law in the United States Housing Act of 1937 which sets forth the requirements of the program) is the primary form of direct federal housing assistance to low income Americans, serving more than 3 million families. By contrast, the public housing program serves approximately 1.4 million families.

The program provides subsidies in two forms: tenant-based assistance (Section 8 vouchers) and assistance to owners to develop and maintain Section 8 projects (project-based assistance). Tenant-based vouchers allow recipients the choice of where to use their subsidy, thus giving them the freedom to look for better housing in the private market. Vouchers empower residents with the ability to leave their current apartments and take their voucher with them. Because tenant-based assistance contains this facet of free-market competition, landlords must be more responsive to their tenants. By contrast, project-based Section 8 subsidy is tied to the actual housing development and units: individual tenants may leave, but the subsidy stays with those units for use by the next eligible low-income residents.

In its initial phases, the Section 8 project-based program provided 20-year contracts to owners and developers who would agree to house low-income families under HUD guidelines for the length of the contract. In many cases, private lenders provided the mortgage financing, also insured by the federal government through the Federal Housing Administration (FHA), for terms ranging from 40 to 50 years. As a consequence, the federal rent subsidies received by these Section 8 owners is a component of the total rental income used to pay the federally-insured mortgage.

For both the tenant-based and project-based programs, HUD establishes for each locality a rent level on which the federal government is willing to base its subsidy, known as the Fair Market Rent, or ''FMR.'' Unfortunately, while FMRs are supposed to serve as the guidelines for setting subsidy levels, they are oftentimes a very poor reflection of the actual market rents for comparable units for the area. In some communities, FMRs are extremely low in relation to comparable ''real'' market rents.[2] For all practical purposes, project owners argue, the

Footnotes at the end of article.

term is a misnomer in such cases in that FMRs are neither ''fair'' nor are they ''market'' in these areas. Instead, these artificial rent levels essentially serve as a form of federal rent control over the assisted housing inventory—necessary as an upper limit on the federal government's financial exposure, but not necessarily an accurate portrayal of each market. Arguably then, for many areas of the country FMRs can be more accurately described as ''fake market rents'' rather than as true measures of local market realities.

PROBLEMS WITH SECTION 8

The combination of project-based Section 8 subsidies with long-term government-insured financing has led to a host of problems for the Section 8 program as local real estate markets and economic conditions change. Until recently the focus of concern from Congress and the Administration had been the Section 8 project-based properties with federal mortgage insurance which were receiving unit rents much higher than the FMRs for their localities. In some cases, their rents were higher than comparable rents.[3] For these ''above market'' Section 8 properties, the federal government was paying more to house persons in the federal program than it would otherwise have cost in the private rental market.

The problem became critical at the time of contract expiration, when HUD had to choose either to renew such contracts or allow them to expire, thereby causing tenant displacement. Simply renewing these Section 8 contracts at their above-market rent levels would have been not only unwise policy, but unsustainable from a long-term budgetary perspective. The costs of pursuing such a policy would have been prohibitively expensive and would have eventually consumed all of HUD's budget authority. Unilaterally reducing the rents on these properties upon renewal and marking them down to market, however, would have triggered massive defaults on the federally-insured mortgages since many owners of these properties would have been unable to pay the debt service on these mortgages. Again, the federal government faced huge financial exposure through potential losses to HUD's FHA Multifamily Mortgage Insurance fund.

The 105th Congress attempted to address this dilemma when it passed the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRA'').[4] The legislation established a program to enable HUD to restructure and reduce the debt on many properties, enabling contract rents to be brought down to comparable market levels (''marked to market'').

THE OPT-OUT PROBLEM

In contrast to the above-market portfolio, the Section 8 opt-out problem now confronting Congress involves *below-market* Section 8 projects. In many cases, the rents offered by HUD to the owners for renewal of their contracts is much lower than comparable rents for similar multifamily units in the locality. Upon expiration of a current contract, a private owner always has the right not to enter into a new contract with the federal government. By choosing not to renew and opting out of the program, such project owners can achieve higher rents for their units on the private market.

The temptation exists to characterize this as a problem of uncaring, greedy owners chasing higher profits without regard to the welfare of the tenants. In many ways, however, this portrayal is an oversimplification of the practical choices available to many of these owners. For example many ''owners'' of Section 8 projects are business entities (such as limited partnerships), where legal and fiduciary obligations are imposed upon the party with management responsibility to maximize the return to the investors.[5] Federal tax law also plays a major role in determining the rational business choices available to any owner. Because of the way the tax code treats depreciation and what is considered taxable income from these properties, many owners face what is known as a ''phantom income'' problem (the IRS counts certain amounts as taxable income to the owner even though the owner does not actually receive such income in that year). As a result of the phantom income problem, some owners face severe cash flow problems and must increase revenues whenever possible. Because of such objective financial considerations, ascribing motivations such as ''greed'' to these owners is largely beside the point. After all, even an owner who is not motivated by greed is constrained if the choices are limited to opting-out, exposure to investor lawsuits, or bankruptcy.

In order to encourage (or enable) the owners of such projects to remain in the program, and prevent more opt-outs, many owners and housing advocates have called for HUD to renew expiring below-market Section 8 contracts at comparable market rents—a process known as ''marking up to market.'' In fact, HUD has had the legal authority, and arguably the resources, to develop a comprehensive approach designed to mark up contracts upon their renewal. When Congress passed MAHRA it did more than just establish a program for dealing with above-market Section 8 properties. Section 524(a)(1) of MAHRA specifically affords HUD broad authority to renew expiring Section 8 contracts at rents that would not exceed comparable market rents for a locality. Until recently, however, despite having the legislative authority and the current resources to address the issue, HUD had failed to offer or develop anything resembling a comprehensive approach to solving the opt-out problem.

Clearly, while the reasons for individual owner opt-out decisions may vary, the primary factor driving the increase in owners choosing to opt-out has been HUD's refusal to exercise the authority Congress provided in MAHRA to mark rents up to market. In fact, HUD Field staff has been extremely stringent in accepting and interpreting the results of rent comparability studies, provided by owners wishing to renew their contracts, that show market rents at higher levels than their current contract rents. This has been a particular problem in rural areas, where comparable rents may not be readily available. In some of these areas, for example, HUD has insisted on using as comparable rents the rent levels in properties funded through other federal programs (such as rural housing programs administered by the Department of Agriculture). Such rents are obviously not market—they are lower than market precisely because they are subsidized. In addition, many elderly developments were built in rural and depressed areas precisely because there was a severe need, and these projects are often the best housing available in such areas and more costly to maintain than the surrounding stock.

As noted earlier, depending on the underlying economic fundamentals of a particular Section 8 project and any legal or fiduciary obligations toward investors that may exist, an owner of these below-market Section 8 projects may have no choice but to leave the program. By refusing to mark contracts up to comparable market levels, many in the advocacy community and some legislators expressed belief that encouraging non-renewals was an intentional policy choice.[7]

THE VOUCHER OPTION

When owners opt-out, the result is often undue hardship for many vulnerable tenants. While displaced residents are guaranteed housing assistance in the form of Section 8 vouchers, for a number of reasons this is not appealing for many Section 8 residents. A great number of those likely to be affected by opt-outs are elderly or disabled individuals, and have lived in these projects for long periods, oftentimes for the full 20 years of the original Section 8 contract. For the most part, being forced to move is extremely traumatic for these individuals, and preventing that necessity is their primary concern. Vouchers are perceived by other residents living in high-cost real estate markets to be ineffective in helping them finding adequate housing for their families. These elderly and disabled persons and families either do not want to move, or feel that if forced to move they will be unable to find adequate comparable housing. As a consequence, the appeal of vouchers that otherwise exists because of their free-market qualities and increased power of choice associated with them, eludes these particular individuals and families.

Moreover, HUD regulations governing the Section 8 program impose a requirement that vouchers be used only in properties with rents that are reasonable for the area for units of the same size and similar characteristics (so called ''rent reasonableness requirements''). Because of this restriction, residents of a Section 8 project who receive vouchers as a consequence of an owner's decision to opt out of the program may be precluded from using those vouchers in that project. For example, if an owner opts out and increases unit rents to $500, but the HUD rent reasonableness guidelines are set at $495, then those receiving vouchers would not be allowed to remain in that project, even if they were willing to make up the shortfall.

Authority exists in current law for the provision of ''enhanced vouchers'' in certain circumstances. Enhanced vouchers (also known as ''sticky'' vouchers) provide a greater level of subsidy than ordinary vouchers, and are designed primarily to allow the resident to remain in the unit, despite the resulting rent levels exceeding allowable rents under the voucher program. These vouchers are only available for use in connection with mortgage prepayments, not in opt-out situations (unless the opt-out is also in connection with a mortgage prepayment).

While the vast majority of these elderly and disabled residents would rather remain in their homes, the overwhelming number cannot afford the likely rent increases. The following table shows the actual rent increases faced by residents in several projects located in rural Iowa where the owners opted-out of the program.[8] All of these projects served elderly residents:

Property location	Number of assisted units	Average tenant monthly income	Rent before opt-out (per month)	Rent after opt-out (per month)	Rent/Percentage rent increase (per month, in percent)
Boone	56	$650	$195	$299	$104 (53)
Knoxville	50	741	223	311	88 (39)
Marshalltown	56	623	187	284	97 (52)
Newton	56	700	210	351	141 (67)
Pella	58	700	210	265	55 (26)

Opt-outs threaten some of the best affordable housing. HUD data shows that 90 percent of the subsidized units in properties whose owners say they are likely to opt out are located in low-poverty neighborhoods, where residents have access to greater employment opportunities, better schools for their children. In a rural area with little rental housing, these seniors may be forced to move long distances to find decent affordable housing.

Budget constraints have required annual contract renewals. While earlier long term-

contracts meant that fewer opt-outs occurred each year, conversion to annual contracts mean that an owner has an opportunity to opt out each year. Residents, therefore, are constantly uncertain about the stability and status of their housing.

POLICY RESPONSES

Because of the growing problem, several members of Congress who are key to housing legislation introduced bills designed to address the problem. On March 25, 1999, Banking Committee Chairman Jim Leach, Housing Subcommittee Chairman Rick Lazio, and VA/HUD Appropriations Subcommittee Chairman Jim Walsh introduced H.R. 1336, ''The Emergency Residents Protection Act of 1999'' to protect residents from displacement resulting from Section 8 opt-outs. Congressman Bruce Vento and Jim Ramstad introduced H.R. 425, ''The Housing Preservation Matching Grant of 1999'' on January 19, 1999, as a mechanism to foster the preservation of the affordable housing stock.

In light of these Congressional actions, HUD subsequently decided to reevaluate its existing renewal practices and issue new guidelines regarding Section 8 opt-outs. HUD Notice 99–15, the ''Emergency Initiative to Preserve Below-Market Project-Based Section 8 Multifamily Housing Stock,'' was issued on June 15, 1999.

HUD officials have given rough estimates regarding the financial resources needed by the Department under various approaches to the opt-out problem. According to HUD, renewing all below market Section 8 projects could eventually cost $600 million to $800 million dollars annually. HUD has also stated that using enhanced vouchers, it can prevent tenant displacement due to opt-outs this year at a cost of $30 million in existing FY 99 resources, and would require $77 million for FY 2000.

H.R. 1336—The Emergency Residents Protection Act of 1999

The legislation expands existing authority for HUD to offer enhanced vouchers, providing assistance for rent levels up to the market level. Upon the death or change in residence of the tenant, the enhanced voucher either expires or converts to a standard voucher. The proposal expands the use of enhanced vouchers in more situations than allowed under current law, and targets the enhanced vouchers to seniors and persons with disabilities only. The legislation would allow enhanced vouchers for other low-income families at the discretion of HUD only in low vacancy/tight market areas. The bill provides for enhanced vouchers subject to such sums as may be appropriated for FY2000–2004.

H.R. 1336 mandates that HUD renew below-market expiring Section 8 contracts at no more than 90% of comparable market rents. The rationale for this provision was to circumscribe HUD's discretion so it actually renews contracts rather than allowing inaction to lead to more owner optouts. The 90% rent level was an initial figure provided by housing advocates and is likely to be modified as the legislation progresses.

H.R. 425—The Housing Preservation Matching Grant of 1999

The approach in H.R. 425 emphasizes preservation of the housing units as affordable housing. The bill would authorize HUD to match state assistance for preservation of federally assisted affordable housing for low-income families. Many housing advocates argue that in addition to protecting the residents (by awarding enhanced vouchers, for example) any comprehensive approach to the opt-out problem must attempt to preserve the actual project itself in the affordable housing inventory. Otherwise, according to supporters of preservation efforts, offering additional enhanced voucher authority only may encourage owners not to renew their subsidy contracts.

H.R. 425 would match each dollar committed by a State for preservation efforts with two federal dollars. Grants can be used only for assistance for acquisition, preservation incentives, operating cost, and capital expenditures for housing projects that meet certain requirements set forth in the legislation. These requirements include mortgage financing through federally-insured programs, a binding commitment on the part of the owner (or subsequent owner) of the project to extend all low-income affordability restrictions, and a waiver of mortgage prepayment rights. The bill authorizes appropriations at such sums as necessary for these purposes.

HUD Notice 99–15 Emergency Initiative to Preserve Below-Market Project-Based Section 8 Multifamily Housing Stock.

HUD Notice 99–15 (the ''Emergency Initiative'') provides instructions to HUD field staff, project owners and managers, on marking expiring Section 8 contracts up to market. An essential feature of the HUD approach is targeting of resources to those properties where opt outs are likely to occur, and where such opt-outs would result in undue harm to residents. HUD will target the properties most likely to opt out and will set a cap on the new rents that will be paid to project owners.

Market-level rents are to be determined by third-party market studies. HUD will mark rents up to market while limiting these increases in rents to a maximum of comparable market rents or 150% of the published FMRs. HUD's approach is not intended to prevent all opt outs, and the notice makes clear that only a portion of the stock will be preserved because of cost constraints and other factors. For those areas where opt-outs are not prevented, HUD has stated that additional enhanced voucher authority, like that provided by HR 1336, will be needed.

Properties are ineligible for rent increases under HUD's Emergency Initiative if:

—the mortgagor is a non-profit entity;

—the properties have a low- or moderate-income use restriction that will not be eliminated by the property prepaying or opting out of Section 8 program (a project, for example, that is also a low income housing tax credit property);

—the property has a HUD Real Estate Assessment Center inspection score of less than 60;

—the owner is subject to administrative sanctions;

—the project is a Section 8 Moderate Rehabilitation project with a contract expiring in fiscal year 1999 (other than those assisted under Section 441 of the Stuart McKinney Homeless Assistance Act);

—the owner previously provided notice of an opt-out and the local housing authority has issued vouchers to one or more of the tenants; or,

—the project does not have a contract that is expiring.

In addition, criteria for participation in the program includes a requirement that the owner must have a ''comparable gross rent potential'' (defined in the Notice) at or above 110% of the fair market rent potential to participate in the program for certain properties. HUD's Assistant Secretary for Housing will have authority to issue waivers of certain eligibility requirements under certain circumstances (i.e. where vouchers would be difficult to use in the local area, the residents are particularly vulnerable or the property is a high priority for the local community).

Contract renewals will be for five years, subject only to annual appropriations. Tenants will receive an initial notice describing the five-year contract. In addition, tenant notification requirements regarding expiration of the contract will be reduced from an annual requirement to a single notification six months before the end of the five-year period.

CONCLUSION

A comprehensive approach is needed to protect residents threatened by displacement due to Section 8 opt-outs, and to preserve affordable housing where possible. H.R. 1336, H.R. 425, and HUD's recently issued Emergency Initiative offer somewhat different approaches to solving the opt-out problem. These various strategies are not necessarily mutually exclusive, however, and the most likely outcome is that aspects of each approach will be incorporated into bipartisan legislation that offers a variety of tools for addressing the issue.

FOOTNOTES

[1] Testimony by the National Housing Trust before the Subcommittee on Housing and Community Opportunity, May 4, 1999, based on HUD Data compiled by the National Housing Trust.

[2] Appropriations acts have limited FMRs to 40% of the median rent for the locality.

[3] Primarily because certain cost adjustment factors built into the Section 8 contracts (Annual Automatic Adjustment Factors) ensured that contract rent levels would continue to increase, even though local real estate markets may have been experiencing a decline in private sector rent levels.

[4] Title V of HR 2158, the VA, HUD and Independent Agencies Appropriations Act of 1998.

[5] In a limited partnership, for example, the general partner would have a fiduciary responsibility to operate the property and make financial decisions for the benefit of the limited partners.

[6] Section 524(a)(1) of MAHRA reads in pertinent part that ''. . . the Secretary may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon termination or expiration of a contract for assistance under section 8 (other than a contract for tenant-based assistance . . .), to provide assistance under section 8 of such Act at rent levels that do not exceed comparable market rents for the market area. The assistance shall be provided in accordance with terms and conditions prescribed by the Secretary.

[7] In a letter to HUD Secretary Andrew Cuomo dated June 4, 1999, Senator Mikulski and Senator Bond wrote that the ''failure of the Department to respond to the opt-out crisis has raised concerns that HUD is intentionally pushing owners to opt out with resulting loss of low-income housing and the displacement of tenants. This is most evident through the failure of the Department to use accurate appraisals to ensure that section 8 contracts can be renewed at a rent that reflects market conditions.''

[8] Information provided by the Iowa Coalition for Housing and the Homeless.

H.R. 202—''PRESERVING AFFORDABLE HOUSING FOR SENIOR CITIZENS INTO THE 21ST CENTURY''—SECTION-BY-SECTION

Section 1. Short title and table of contents

Title cited as ''Preserving Affordable Housing for Senior Citizens into the 21st Century Act''.

Section 2. Regulations

Provides that the HUD Secretary shall issue regulations necessary to carry out the provisions of the Act only after notice and opportunity for public comment.

Section 3. Effective date

Provisions of the Act are effective as of the date of enactment unless such provisions specifically provide for effectiveness or applicability upon another date. The authority to issue regulations to implement this Act shall not be construed to affect the effectiveness or applicability of the bill as of the effective date.

TITLE I—CONVERSION OF FINANCING OF REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

Section 101. Conversion of financing

Requires the HUD Secretary to convert the financing of pre-1990 supportive housing program for the elderly from direct loans and project-based Section 8 rental assistance to the post-1990 method provided to new developments, which is through non-repayable capital advances and project rental assistance contracts (PRACs). In converting the financing of projects pursuant to this section, the Secretary shall cancel any indebtedness to the Secretary on the project, but such authority shall be effective only to the extent provided in advance in appropriation Acts. Requires the Secretary to conduct a study of the net impact on the Federal budget deficit or surplus of making available, on a one-time basis, debt forgiveness relating to remaining principal and interest from Section 202 loans with a dollar-for-dollar reduction of rental assistance amounts under the Section 8 rental assistance program.

Section 102. Prepayment and refinancing

Requires the Secretary to approve prepayment of any indebtedness to the Secretary relating to any remaining principal and interest on a project as part of a loan prepayment plan, provided the project sponsor continues to operate the project under terms as advantageous to existing and future tenants as required by the original loan agreement, until the maturity date of the original loan agreement. Requires that upon refinancing, the Secretary make available at least 50% of annual savings resulting from reduced Section 8 or other rental housing assistance in a manner that is advantageous to tenants, which may include increasing supportive services, rehabilitation, modernization, and retrofitting of structures, and other specified purposes.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Section 201. Supportive housing for elderly persons

Provides annual authorization of appropriation of $700 million for existing program of supportive housing for the elderly (section 202) for FY 2001, FY 2002, FY 2003 and FY 2004.

Section 202. Supportive housing for persons with disabilities

Provides annual authorization of appropriation of $225 million for existing program of supportive housing for the disabled (section 811) for FY 2001, FY 2002, FY 2003 and FY 2004.

Section 203. Service coordinators and congregate services for elderly and disabled housing

Provides annual authorization of appropriation of $50 million for grants for service coordinators for certain federally assisted multifamily housing projects, for FY 2000, and authorizes such sums as may be necessary for FY 2001 and FY 2002.

TITLE III—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

SUBTITLE A—HOUSING FOR THE ELDERLY

Section 301. Matching grant program

Adds provision to Section 202 of the Housing Act of 1959, Supportive Housing for the Elderly, for the provision of capital grants requiring the project sponsor to supplement funds with a matching amount. Applicants for assistance are required to provide supplemental matching funds, which shall be not less than 25%–50% (as the Secretary of HUD may determine) of the amount provided. Not less than 50% of the supplemental funds in the matching amount shall be from non-Federal sources of funds.

Section 302. Eligibility of for-profit limited partnerships

Provides that for-profit limited partnerships are eligible to participate in the program established under this Act.

Section 303. Mixed funding sources

Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for seniors.

Section 304. Authority to acquire structures

Removes limitation allowing private non-profit housing providers to acquire RTC-held properties only for the purposes of providing affordable housing for seniors.

Section 305. Mixed-income occupancy

Expands income eligibility for occupancy from 50% and below area media income (AMI) to 80% and below of AMI for existing affordable housing developments for seniors, provided that such development is designated as high vacancy.

Section 306. Use of project reserves

Provides that amounts for project reserves for a project assisted under this section may be used to reduce the number of dwelling units in the project for specified purposes.

Section 307. Commercial activities

For Section 202 projects, provides that no provision of law may be construed as prohibiting or preventing the location and operation of commercial facilities in a project for the benefit of residents of that project and the community in which the project is located.

Section 808. Mixed finance pilot program

Requires the Secretary to carry out a pilot program, for not more than five projects, to determine the effectiveness and feasibility for providing assistance under Section 202 for housing projects that are both for supportive housing for the elderly and for other types of housing, which may include market rate housing.

Section 309. Grants for conversion of elderly housing to assisted living facilities

Provides discretionary authority to designate public or private entities to carry out finance conversion for elderly developments. Provides waiver authority to carry out finance conversion for elderly housing developments. Authorizes such sums as may be necessary for each of fiscal years 2000 through 2004.

Section 310. Grants for conversion of public housing projects to assisted living facilities

Provides the Secretary with discretion to make grants to public housing agencies to convert dwelling units in projects already designated for occupancy by elderly persons, to assisted living facilities for elderly persons. Authorizes such sums as may be necessary for each of fiscal years 2000 through 2004.

Section 311. Use of section 8 assistance for assisted living facilities

Provides that a recipient of Section 8 housing assistance may use such assistance in an assisted living facility.

Section 312. Annual HUD inventory have assisted housing designated for elderly persons

Requires that the HUD Secretary establish and maintain, to be updated annually, an inventory of HUD and federally-assisted housing that is designated for occupancy, in whole or in part, for occupancy by elderly or disabled families or both.

Section 313. Treatment of applications

Provides that in case of denial of an application for assistance under Section 202 for failure to timely provide information, the Secretary shall notify the applicant and provide an opportunity to show the failure was due to a third-party failure to provide information.

SUBTITLE B—HOUSING FOR PERSONS WITH DISABILITIES

Section 321. Matching grant program

Adds provision to Section 811 of the Cranston-Gonzalez National Affordable Housing Act, Supportive Housing for Persons with Disabilities, for the provision of capital grants requiring the project sponsor to supplement funds with a matching amount. Applicants for assistance are required to provide supplemental matching funds, which shall be not less than 25%-50% (as the Secretary may determine) of the amount provided. Not less than 50% of the supplemental funds in the matching amount shall be from non-Federal sources of funds.

Section 322. Eligibility of for-profit limited partnerships

Provides that for-profit limited partnerships are eligible to participate in the program established under this Act.

Section 323. Mixed funding sources

Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for seniors.

Section 324. Tenant-based assistance for persons with disabilities

Provides that tenant-based rental assistance may be provided by a public housing agency or through a private nonprofit organization.

Section 325. Project size

Provides that of any amounts made available in any fiscal year for capital advances or project rental assistance under this section, not more than 25% may be used for supportive housing which contains more than 24 separate dwelling units. Requires the Secretary to study and submit a report to Congress regarding the extent to which the authority of the Secretary under Section 811(k)(4) of the Cranston Gonzalez National Affordable Housing Act to provide assistance to supportive housing projects for persons with disabilities having more than 24 units; the per-unit costs and benefits involved with different size Section 811 projects; and the per-unit costs and benefits involved with different size Section 202 projects, taking into account social considerations afforded by smaller and moderate-size developments.

Section 326. Use of project reserves

Provides that amounts for project reserves for a project assisted under this section may be used to reduce the number of dwelling units in the project for specified purposes.

Section 327. Commercial activities

For Section 811 projects, provides that no provision of law may be construed as prohibiting or preventing the location and operation of commercial facilities in a project for the benefit of residents of that project and the community in which the project is located.

SUBTITLE C—OTHER PROVISIONS

Section 341. Service coordinators

Provides that service coordinators funded with grants under this section for a specific project may also provide services to low-income elderly or disabled families in the vicinity of such project. Requires the Secretary of HUD in cooperation with the Secretary of HHS to establish standards regarding education and outreach to combat telemarketing fraud directed against the elderly.

Section 342. Commission on Affordable Housing and Health Care Facility Needs in the 21st Century

Establishes a commission to be known as the Commission on Affordable Housing and Health Care Facility Needs in the 21st Century. The Commission shall provide an estimate of the future needs of seniors for affordable housing and assisted living and health care facilities identify methods of encouraging private sector participation and investment in affordable housing, and other matters relating to housing the elderly.

TITLE IV—RENEWAL OF EXPIRING RENTAL ASSISTANCE CONTRACTS AND PROTECTION OF RESIDENTS

Section 401. Findings and purposes

Sets forth Congressional findings, including that affordable housing is critical to the well-being of vulnerable families, especially seniors and persons with disabilities; that Federal rental assistance contracts are expiring in great numbers and a significant number of owners are choosing not to renew contracts with the Federal government; that as a result rent levels for vulnerable families may rise dramatically, possibly forcing these families to move from their homes; and that the Federal government should ensure those least able to provide for themselves receive the assistance of the Federal government.

The purpose of the Act is to protect vulnerable residents, particularly seniors and persons with disabilities, by ensuring they are not forced to move from their homes and by encouraging private owners to continue serving low-income families.

Section 402. Renewal of expiring contracts and enhanced vouchers for project residents

Unless otherwise provided, for expiring Section 8 properties that have current rents below comparable market rents for the area, the Secretary of HUD is directed upon renewal of such Section 8 contracts to set rents at comparable market rent levels. For those expiring Section 8 contracts that have rent levels above comparable market rents but are not subject to restructuring, the Secretary upon renewal shall set these rents at comparable market rents.

Directs the Secretary of Housing and Urban Development to provide ''enhanced vouchers'' to residents residing in a property upon the date of the expiration of a federally-assisted housing contract that is not renewed. Enhanced vouchers allow increased assistance for residents in cases where rent levels increase as a result of the expiration of the contract, therefore ensuring that the resident may continue to reside in the unit. Authorizes such sums as may be necessary for enhanced voucher assistance for fiscal years 2000 through fiscal year 2004.

Provides that no state may limit allowable project distributions to owners that renew a project under provisions of this Act.

Section 403. Section 236 assistance

Adds as an eligible purpose of certain interest reduction payment grants available under Section 236 of the National Housing Act the refinancing of mortgages on these properties, resulting in cost savings to the federal government.

Allows an owner of a project financed under a State program pursuant to Section 236 of the National Housing Act to retain any excess rental income from the project for use for the benefit of the project.

Section 404. Matching grant program for affordable housing preservation

Provides the Secretary of HUD with authority to make grants to State and qualified units of general local government for low-income housing preservation purposes, to be matched on a one-to-one basis from sources provided by the grant recipients. Amounts may be used for acquisition, preservation incentives, operating costs, and capital expenditures for a housing project that is: at risk of loss; primarily occupied by elderly or disabled families; contains one or more dwelling units occupied by large families; is located in a rural area without an adequate supply of housing; or where rental assistance vouchers would, under certain market conditions, be difficult for residents to use. In making grants under this subtitle during fiscal years 2001 and thereafter, the Secretary shall give priority to eligible States and qualified units of general local government that have not previously received a grant under this subtitle, and to grant for eligible housing projects that ensure transfer of such projects to nonprofit organizations.

Section 405. Rehabilitation of assisted housing

Amends Section 236 of the National Housing Act to allow the use of recaptured interest rate reduction payments from a project for rehabilitation of that project.

Section 406. Technical assistance

Amends the Multifamily Assisted Housing Reform and Affordability Act of 1997 to allow for technical assistance for preservation of low-income housing.

Section 407. Termination of section 8 contract and duration of renewal contract

Provides that section 8 contracts may be renewed for up to one year or for any number of years, subject to appropriations (as opposed to mandatory renewals of one year).

Amends Section 201 of the Housing and Community Development Amendments of 1978 by allowing the use of enhanced vouchers for projects preserved as affordable housing under section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

Section 408. Enhanced voucher eligibility for residents of flexible subsidy properties

Amends Section 201 of the Housing and Community Development Amendments of 1978 by allowing the use of enhanced vouchers for projects preserved as affordable housing under section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

Section 409. Enhanced disposition authority

Amends section 204 of the FY 1997 VA/HUD Appropriations Act to extend current grant and loan authority under Section 204 through FY 2000, expressly provide that upfront grants or loans may support reconstruction as well as rehabilitation and demolition, and provide that vacant as well as occupied projects shall be eligible for such grants or loans.

TITLE V—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES

Section 501. Rehabilitation of existing hospitals, nursing homes, and other facilities

Allows for refinancing of hospitals and expands eligibility under the program to health care facilities. Provides that the cost of modest rehabilitation may be included in refinancing.

Section 502. New health care facilities

Adds a more flexible definition of ''healthcare facility'' to description of eligible projects. Eliminates licensing requirements for assisted living facilities in states without licensing procedures. Modifies eligibility test used as an alternative to the Certificate of Need requirement under the statute so that a sponsor applicant may commission an independent study in defined circumstances.

Section 503. Hospitals and hospital-based health care facilities

Changes definition of eligible ''hospital'' to eliminate test that denies eligibility where more than 50% of patient days are non-acute in nature. The 50% rule, especially in a ''continuum of care'' environment, creates a financing void for hospitals providing significant non-acute care services. Modifies eligibility test used as an alternative to the Certificate of Need requirement under the statute so that a sponsor applicant may commission an independent study in defined circumstances.

Sectin 504. Insurance for mortgages to refinance existing home equity conversion mortgages

Allows seniors to maximize the equity in their homes by streamlining the process of refinancing an existing Federal-insured reverse mortgage. Provides protections against ''churning'' (repeated refinancing by lenders for purposes of collecting fees from mortgagors) and other consumer protections.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 202 because of the tremendous need which exists throughout this country for decent and affordable housing, especially for senior citizens. There is tremendous un-certainty among many seniors who are fearful that their housing subsidies will not exist and that they will have no place to live. The banking and financial services committee is to be commended for having worked out a bi-partisan solution which protects existing resident of federally assisted housing from being forced out of their homes when landlords choose to oft-out of federal housing subsidy contracts. It also modifies federal elderly and disabled housing programs to preserve, modernize and increase such housing and to expand the availability of services to elderly and disabled residents. This bill does in fact help preserve and enhance a program which does a tremendous amount of good; therefore, I am pleased to support and urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise in support of H.R. 202, Preserving Affordable Housing for Senior Citizens Into the 21st Century Act. This forward thinking measure is designed to preserve the existing housing program for senior citizens by converting the financing of pre-1990 senior housing developments to a modern program of capital grants (i.e., converting outstanding loan balances into capital advances).

Prior to 1990, senior housing developments were financed through direct loans and project-based rental assistance contracts. In the year 2001, the rental assistance contracts on 215,000 housing units will begin to expire. According to the Census Bureau, more than 34 million Americans are 65 years and older. By the year 2020, that number will grow to almost 53 million, or one in every six Americans. What is particularly striking is the Department of Housing and Urban Development (HUD) estimate that only one-third of low-income senior citizens who need affordable housing actually receives assistance.

GAO and HUD have determined that at least 1.4 million senior citizens are already experiencing ''worst case'' housing needs. What is even more alarming is that seniors are more likely than any other adults to be poor, and nearly 40 percent seniors not in nursing homes are limited by chronic conditions and unable to perform the simplest activities associated with independent living. Women are particularly vulnerable because they have lower income retirement than men and are more likely to live in poverty. According to the AARP, the poverty rate for elderly women was higher than that of men. In 1997, the poverty

rate of elderly women was 13.1 percent, compared to 7.0 percent among men. We are on the horns of a dilemma: How do we meet the need for affordable housing for senior citizens at a time when the senior population continues to grow?

H.R. 202 is designed to restructure Section 202 contracts in order to make them more affordable. The measure attempts to accomplish this by relieving non-profit entities from excessive debt service, thus providing the opportunity for greater program self-sufficiency. H.R. 202 is a win-win bill that provides assistance to our most vulnerable—the elderly poor. It also saves taxpayers money over the long term by reducing the need for project-based rental assistance. For these reasons and for America's seniors, I urge you to support H.R. 202.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 202, the Preserving Affordable Housing for Seniors and Families into the 21st Century Act.

By making the bipartisan, common-sense reforms necessary to provide affordable housing for seniors and the disabled, this legislation is helping many individuals retain their independence while living in safe housing.

There is a great need for affordable housing for seniors and the disabled. This important bill aims to provide affordable senior and disabled housing at a time when the need is high, and ever increasing.

The General Accounting Office (GAO) and Department of Housing and Urban Development (HUD) have determined at least 1.4 million seniors are experiencing ''worst case'' housing needs. This need is combined with a growing senior population—projected at 53 million people by 2020, or one in six Americans.

Additionally, the Consortium for Citizens with Disabilities Housing Task Force determined more than 4 million individuals with disabilities suffer from an acute need of affordable, accessible housing.

This bill requires HUD to convert all direct loan contracts for pre-1990 projects into interest-free capital advances and five-year renewable project rental assistance programs. These changes are designed to help preserve senior and disability housing by preventing residents from being forced from their homes of more than 20 years or paying additional rent.

These provisions are especially important steps to make housing affordable, given the more than 500,000 units of Section 8 housing at risk of being lost to ''opt outs'' as contracts expire in increasing numbers.

By allowing multi-year Section 8 contract renewals, this legislation gives seniors and the disabled the peace of mind to know that their contracts will not be at risk of being canceled each year. This provision is especially important to seniors in Connecticut who have advocated for multiple-year renewals in order to ensure greater housing stability.

I also support provisions to promote the use of service coordinators used to help elderly and disabled residents gain access to local community services and promote independence. This greater flexibility of funds—including ''enhanced vouchers'' and assisted living programs—will help seniors and the disabled live independently in safe, affordable housing and increase quality of life, while saving taxpayer dollars.

In conclusion, I urge support for the Preserving Affordable Housing for Seniors and Families into the 21st Century. This is a bill which goes a long way in making smart, flexible reforms to provide safe, affordable housing for seniors and the disabled.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support for the bill before us today.

Lack of affordable housing has an adverse effect on the most vulnerable in our society, namely senior citizens, children and people with disabilities.

A recent HUD report noted that the number of affordable housing units dropped 19 percent between 1996 and 1998. Now, the central cities have company as far as waiting lists for subsidized housing. Ninety percent of Minneapolis' inner-ring suburbs have added poor children at a faster rate in the '90s than Minneapolis. Virtually all of the suburban cities I represent have waiting lists—and they are long!

Mr. Speaker, that's why I have sought to work in a bipartisan, common sense way to address this critical problem and provide the necessary dollars to help these groups.

And that's why I am a cosponsor and strong supporter of H.R. 425, the Housing Preservation Matching Grant Act. Provisions based on this important legislation were included in the bill before us today. This bipartisan legislation will provide the necessary federal matching funds to assist states and localities seeking to preserve federal housing.

The ''Vento-Ramstad'' proposal rewards Minnesota's innovation and encourages other states to follow our lead.

I urge my colleagues to support H.R. 202 and expand access to housing for senior citizens.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 202. ''Preserving Housing for Senior Citizens and Families into the 21st Century.'' While my views on respecting our Constitution limitations regarding Federal issues are well known and need not be repeated here now, I have other concerns regarding this bill specifically.

That the House of Representatives would consider any bill authorizing about a billion dollars of taxpayer funds annually on the suspension calendar (an expedited procedure reserved for ''non controversial'' bills) show how far we have moved from our posturing that we claim to respect the concerns of taxpayers.

The consideration of this bill succumbs to the misperception that the best course of action to any perceived problem is further (Federal) governmental response. Clearly, that is not the case. Recently, John Stossel hosted an ABC television special, ''Is America Number One!'' In that show, he examined the premise of governmental solutions to problems always being best and concluded:

> Intuition would suggest that countries with the most government planning, places where you're taken care of, would be the best places to live. But in fact the opposite is true, countries with the most planning are the most poor. Several organizations rank countries by economic freedom. At one end are places with lots of government planning. Invariably, these are the worst places to live. At the other end on the list—Hong Kong, New Zealand, Switzerland, and the United States. The best places to live are places with the fewest rules. Freedom isn't everything. Climate matters. Religion, geography, even luck can make a difference. But nothing matters as much as . . . Liberty.

In the show, Peter Jennings said that ''Nearly 37 million Americans now live below the official poverty line.'' Federal Reverse economist Machael Cox explained, ''The government says now 13.3 percent of households are in poverty. Let's go see what households in poverty have. Ninety-seven percent of households in poverty have color televisions. Two thirds have microwave ovens and live in air-conditioned buildings. Seventy-five percent have one or more cars.''

Unfortunately, H.R. 202 makes the situation worse by diluting our current policy of helping the truly needy in favor of creating a middle class entitlement by expanding eligibility for occupancy to as high as 80% of the area median income for existing housing developments for seniors. I commend Mr. Stossel for illustrating clearly that choosing liberty is the best path for making a difference. I wish more of my colleagues heeded his advise.

Mr. CAPUANO. Mr. Speaker, I rise in strong support of H.R. 202, the Preserving Affordable Housing for Senior Citizens and Families Act. This bipartisan legislation will help save thousands of units of affordable housing throughout America for seniors and working families.

H.R. 202 provides several tools to help the Department of Housing and Urban Development deal with the loss of affordable housing, including authorizing the Department of ''mark-up-to-market'' the rents of those Section 8 properties that would otherwise opt-out of the program. Preserving these units is essential in maintaining a stock of high-quality affordable housing for future generations.

Many times these Section 8 properties are the only housing option for low-income individuals. While this bill also provides enhanced vouchers for those tenants affected by Section 8 opt-outs, in many cities, including Boston, the cost of housing is so high and the vacancy rates are so low, vouchers are not a viable solution. Giving HUD the ability to keep these properties in the Section 8 program by offering these owners reasonable rent increases is essential to maintaining affordable housing in high-cost areas.

In addition to preserving Section 8 properties, this legislation authorizes a commission that will study seven specific areas of concern related to elderly housing. One such concern is the issue of grandparents raising their grandchildren. It is estimated that more than 1.5 million children are being raised by their grandparents or other relatives. Many of these families live in public or subsidized housing in both urban and rural communities, although their unique needs may not be best served in these situations.

A group in my District, Boston Aging Concerns/Young and Old United, has developed the first affordable housing in the country designated specifically for grandparents raising their grandchildren. This innovative development, called the Grandfamilies House, has a playground, computer learning center, and after-school programs to serve the children, as well as service coordinators, and exercise classes for the elderly residents.

The staff of the Grandfamilies House has had inquiries from groups across the country interested in developing similar projects. It is my hope that the Commission will focus attention on this critical issue and develop recommendations to help us better serve these unique families.

Mr. MCCOLLUM. I rise today to voice my support for H.R. 202, the Preserving Housing

for Seniors and Families into the 21st Century Act. The Banking Committee sent a strong message regarding this bill by passing it unanimously on a voice vote, and I stand before you today to reiterate its merits.

As a Floridian, I cannot help but be acutely aware of the housing needs of senior citizens. Our warm weather attracts retirees to our state, and we appreciate them for both the contributions that they make to our economy and as well as to the substantial roles they play in our community. While medical innovations permit seniors to enjoy a higher quality of life, a wave of new retirees coupled with longer life-spans have led to a crisis in affordable housing for the elderly. By the year 2020, the GAO estimates that one in six Americans will be 65 years of age or older. In Florida, that ratio has been surpassed—18.5% of the population is already over 65 years old and that number is growing. More significantly, 11.2% of Florida's senior population live below poverty income levels, making affordable housing even more important to Floridians.

H.R. 202 addresses the needs of senior citizens by implementing several important measures. It allows for modernization of project financing and a steamlined refinancing program to encourage continued participation in housing projects—an extremely important goal in light of the number of expiring assistance contracts.

The bill also provides for greater flexibility in programs, such as creating mixed-income senior and disabled housing environments, and the conversion of senior housing projects to assisted living facilities that conform with an ''aging in place'' model. This model takes the approach that seniors in community housing may not wish to be able to move as they become older. Projects can be developed that follow the aging of its residents, instead of forcing them out as their needs change.

Mr. Speaker, again, I would like to draw my colleagues' attention to the bipartisan effort that went into H.R. 202, as well as the valuable contribution that H.R. 202 would make to the ability of our senior citizens across the nation to afford housing. I therefore strongly encourage a positive vote on the Preserving Housing for Seniors and Families into the 21st Century Act.

Mr. MARKEY. Mr. Speaker, I rise in strong support of H.R. 202 and urge its adoption.

Mr. Speaker, over the past year, I have been inundated with calls and letters from seniors living in Section 8 housing units where owners were prepaying their mortgages or opting out of their contract renewals thereby terminating their relationship with the Department of Housing and Urban Development (HUD), and leaving their senior tenants without any housing security.

Following a meeting in my district office with the Mayor of Waltham, Massachusetts, representatives of the Boston HUD office, and other local officials, I wrote the following letter to Secretary Cuomo, and a similar letter to the Director of the Office of Management and Budget Jack Lew, to explain the serious problems facing seniors in Waltham and elsewhere in my district and throughout the nation:

JANUARY 21, 1999.

Hon. ANDREW M. CUOMO,
Secretary, U.S. Department of Housing and Urban Development, Washington, DC.

DEAR SECRETARY CUOMO: I am writing to ask that you give full attention and high priority to the issue of Section 8 Contract Renewals as you review and consult with the Office of Management and Budget (OMB) regarding the Administration's Fiscal Year 2000 Budget Proposal. While I would like to bring to your attention the specific situation confronting 258 seniors in my Congressional district currently housed at the Francis Cabot Lowell Mill (the ''Mill'') apartment complex in Waltham, Massachusetts, where a 20-year lease negotiated with the Department of Housing and Urban Development (HUD) is due to expire at the end of this year, I believe that the problems facing residents at the Mill will confront thousands of seniors across America as more of these long-term contracts expire. My office has already received dozens of letters and phone calls from Mill seniors who are frightened at the prospect of losing their housing.

I recently met in my district office with Mr. William F. Stanley, Mayor of Waltham, Massachusetts, Ms. Mary Lou Crane, HUD's Secretary's Representative for the Boston Region, Mr. Bob Kargman, representing the Mill owners, their various associates, and telephonically with Mr. Bill Apgar, Assistant Secretary for Policy Development and Research. The focus of the meeting was Public Law 105–65, Section 524(a)(1) which states in part ''. . . the Secretary may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon termination or expiration of a contract for assistance under section 8 . . . to provide assistance under section 8 of such Act at rent levels that do not exceed comparable market rents for the market area. The assistance shall be provided in accordance with terms and conditions prescribed by the Secretary.''

Mr. Kargman informed the group that negotiations for a new lease contract had hit a snag over the issue of meeting fair market rent levels, and that residents were being informed that the Mill lease may not be renewed. Mayor Stanley expressed his concern that given the current housing stock in Waltham, it would be virtually impossible to keep all of the seniors currently living at the Mill in Waltham, thus doing tremendous damage to the spirit and continuity of the senior population in the city. Mr. Apgar indicated that HUD was empowered by law to more closely approximate comparable market rent levels in Waltham, but the money was not available and that discussions were under way between representatives from HUD and OMB.

As I understand it, the federal government has reaped the financial benefit of housing reform in renegotiating HUD leases in areas where market rents are below the national average—roughly in eighty percent of markets. But for the remaining twenty percent of markets, primarily markets on the coasts, market rents are higher than the national average. I believe that we have an obligation as policymakers to the seniors living in these higher rent areas, such as those in Waltham, as well as to the owners of the developments, who have kept faith with their tenants and the government, to renew their contract under the terms and conditions of Public Law 105–65.

I am hopeful that you will carefully examine this matter, and consult with the OMB Director Lew, in an effort to develop a plan to fully fund those contract renewals where comparable market rents exceed the national average.

I look forward to your response,

Sincerely,

EDWARD J. MARKEY.

Mr. Speaker, I want to commend my colleagues in both parties for bringing the House's attention to these important issues, and for compiling a bill that encompasses many important reforms to give seniors housing security. I am pleased that the bill will specifically address the problems created by the booming rental economy in the greater Boston area—seniors in subsidized housing are getting squeezed.

Mr. Speaker, I am hopeful that the House will pass H.R. 202 today to bring much-needed reassurance to the seniors in my district and every Congressional District in the United States. Our seniors deserve no less.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 202, as amended.

The question was taken.

Mr. LAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 202.

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

There was no objection.

EXTENDING REENACTMENT OF CHAPTER 12 OF TITLE 11, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2942) to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted, as amended.

The Clerk read as follows:

H.R. 2942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking ''October 1, 1999'' each place it appears and inserting ''January 1, 2000''; and

(2) in subsection (a)—

(A) by striking ''March 31, 1999'' and inserting ''September 30, 1999''; and

(B) by striking ''April 1, 1999'' and inserting ''October 1, 1999''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, in 1986 the Congress passed a bankruptcy reform measure for that era which included the inclusion therein of a chapter 12 set of provisions specifically attuned to the needs of farms and farm communities where, when a financial crisis might occur to a farm family, the normal avenues of bankruptcy would be probably inadequate and unsuited to the needs of a family facing such financial distress on the farm.

Chapter 12 was created to meet those unique needs to allow the farming concept to continue while the financial problems in bankruptcy would be worked out. That chapter 12 was enacted for only 5 years, then it was extended in 1993, and we took it up to 1998. Then in the current cycle of our attempts at bankruptcy reform, this House with an overwhelming vote passed bankruptcy reform, I think it was 315 votes in favor of that reform, which reform included making permanent the benefits of chapter 12.

But because the other body has not yet acted on that legislation, we are faced with the end of that temporary extension that took us up to this juncture for chapter 12. We are here then today to ask that the House and the Congress approve a 3-month extension with the idea that perhaps the Senate will be working and passing the bankruptcy reform which will make this permanent, but in the meantime, we will have cured the problem for the moment.

In this effort, the gentleman from Michigan (Mr. SMITH) has played the important role of leading the effort to make sure that the Congress will not forget the promise that we made under the old chapter 12 so that we can keep this concept moving towards the final resolution of the overall problem.

□ 1730

He is to be commended for his persistence in this matter.

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

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

Mr. Speaker, I rise in somewhat reluctant support of H.R. 2942. This bill would extend Chapter 12 of the Bankruptcy Code for only 3 months. Under current law, this section of the Bankruptcy Code will expire on October 1. This bill will extend the section until January 1 of the year 2000.

Although I am hopeful that Congress will permanently extend this very needed section of the Bankruptcy Code, I realize that this extension is needed now. The reason for my reluctance is that this bill was modified at the very last minute from 6 months to 3 months.

Six months would have allowed Congress the time to work out our differences on the larger bankruptcy overhaul bill in which Chapter 12 is permanently extended. Now, however, this bill has been amended to be only a 3-month extension. I think that is a little shortsighted. But, without this bill, Chapter 12 will expire by the end of this week, so I reluctantly support this bill.

Chapter 12 is similar to Chapter 11 and Chapter 13 of the Bankruptcy Code. Chapter 12 is the part of the Bankruptcy Code that is tailored to meet the unique economic realities of family farming, especially during times of severe economic crisis. With Chapter 12, Congress sought to create a chapter of the Bankruptcy Code that provided the framework to prevent family farms from going out of business completely.

At the time of its first enactment in 1986 during a severe farm crisis, Congress was unable to foresee whether Chapter 12 would be needed indefinitely by America's farmers. Congress has extended Chapter 12 now three times. Chapter 12 is the safety net of last resort for our farmers, and we must extend it and ultimately make it permanent.

The family farm is the backbone of the rural economy in Wisconsin and all over this Nation. Without Chapter 12, if economic crisis hits a family farm, that family has no choice but to liquidate the land, the equipment, the crops and the herd to pay off creditors. This means losing the farm, a supplier of food and a way of life.

When a family decides it can no longer afford to farm, many times that farm is lost forever to development and sprawl. With Chapter 12 in place, when an economic crisis hits America's farmers, a family's farmland and other farm-related resources cannot be seized by creditors. A bankruptcy judge for the Western District of Wisconsin notes that Chapter 12 has been used in his jurisdiction more than 50 times over the past year.

Obviously in this time of severe economic farm crisis, Chapter 12 is needed. Our farmers must have the assurance that if they must reorganize their farm to keep their farm, that they can do so. Chapter 12 must be there for them and for us to protect America's supply of food. It is in our country's best interest to protect family farms from foreclosure.

Mr. Speaker, family farmers in Wisconsin have been facing a tough time. If the dairy bill that this House passed last week becomes law, Wisconsin dairy farmers will continue to be at the same price disadvantage that they have been subject to for over 60 years. If dairy compacts are extended and expanded, my farmers will continue to have to compete against artificially inflated prices in other regions of the country. In the past 6 years alone, Wisconsin has lost over 7,000 family farms.

I was successful in committee earlier this year in extending Chapter 12 until this period of time. I believe that it needs to be permanently extended. It is frustrating to me that we must come to the floor every few months to extend this important protection for farmers.

Individuals in this country and businesses in this country who must consider filing for bankruptcy under Chapters 7, 11 or 13 do not have to worry about whether that part of the Bankruptcy Code will still be there, because it is permanent. I believe we should do no less for our family farmers, and make Chapter 12 permanent. I believe farmers, like all of us, should be able to plan for their futures.

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

Mr. GEKAS. Mr. Speaker, it is appropriate at this time, given the spark that he has given to this legislation, to yield 4 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, the reason that the chairman, the gentleman from Pennsylvania (Mr. GEKAS), the gentlewoman from Wisconsin (Ms. BALDWIN), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Mississippi (Mr. PICKERING) and the gentleman from California (Mr. CHAMBLISS) are cosponsoring this bill is because together we feel it is very important, especially at this time, with agriculture facing up to some very difficult challenges.

Mr. Speaker, American agriculture is in a serious situation right now. Times are tough in farm country. While the rest of the economy is booming, American farmers and ranchers have been left out. Commodity prices are at record lows, export markets are weak and no relief is expected any time soon. While the Farm Credit system is currently sound, there are many producers who just will not be able to make ends meet and are going to be forced into bankruptcy.

Bankruptcy filing by farmers has become too regular an occurrence. I visited last week with a hog producer from my district. He is the fourth generation on that farm, as smart as most any entrepreneur that I have known. Yet, because of prices, even with his business-like efforts to lay off workers, to increase his hours that he spends per week on that farm, he is still challenged as to whether he can survive on that farm. Again, fourth generation. That means his great-grandfather, his grandfather, his dad, all were able to preserve that farm, and now he is challenged, simply because we have a system of international competition that has resulted in the very low commodity prices.

Chapter 12 of title 11 of the Bankruptcy Code is only available, I would like to point out, to family farmers. Chapter 12 is now set to expire, as the

gentlewoman suggested, in three days, on September 30. H.R. 2942, as amended, will temporarily extend Chapter 12 for another 3 months so that this critical option for America's family farmers does not expire.

Mr. Speaker, Chapter 12 allows family farmers the option to reorganize debt rather than having to liquidate when declaring bankruptcy. The logic is that a farmer should not be forced to sell his tractor and his plow and his planter and his tools of production when he is reorganizing, trying to make sure that he is paying off those debts, because if we force him to sell those tools of production, then we have almost taken away any possible opportunity for him to reorganize and pay his debts.

I am very pleased that the gentleman from Pennsylvania (Chairman GEKAS) and this body is taking action on this legislation today. With three days to go before expiration, time is very short. Senator GRASSLEY and other Senators are aggressively pursuing this effort over in the Senate and moving ahead on this legislation.

I realize that many of us would prefer to see Chapter 12 extended permanently. I trust that as the general bankruptcy reform is debated, a permanent fix for Chapter 12 is going to be accomplished, because that is what is in the bill that the gentleman from Pennsylvania (Chairman GEKAS) and the committee and this body sent over to the Senate. This legislation is needed to assure producers that this risk management tool is available.

Again, I thank both sides of the aisle, both sides of the Capitol Building, and especially the chairman for moving ahead on this legislation.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

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

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

Mr. Speaker, I rise in strong support of H.R. 2942. I would also note my cosponsorship of this legislation and legislation introduced by several Members, including the distinguished gentleman from Michigan (Mr. SMITH), which would either extend or make permanent these Chapter 12 bankruptcy provisions. I thank the distinguished gentleman from Pennsylvania for expediting it, as well as the chairman and the ranking member of the full committee. I appreciate the supportive comments of the gentlewoman from Wisconsin.

Chapter 12 bankruptcy has been a necessary and responsible and viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of the creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not extended for family farmers, it will have a drastic effect on the agricultural sector, already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will plunge downward. Such a decrease in land values will affect both the ability of the family farmer to earn a living and the manner in which banks making agricultural loans conduct their lending activities.

This gentleman represents a premier agriculture district, and, as a member of the Committee on Banking and Financial Services, I am concerned about those agricultural loans out there and their customers.

This is a very important piece of legislation. Like my colleagues, like the words expressed by the gentleman from Michigan, I would very much like to see this permanently extended. But the House passed this earlier, as the gentleman from Pennsylvania indicated, by actually 313 to 108, with my support. Unfortunately, the other body failed to act on the Bankruptcy Reform Act. Therefore, a 3 month extension is absolutely necessary for our family farmers and other small agri-business families.

Mr. Speaker, in closing I encourage my colleagues to support H.R. 2942, which provides a 3 month extension.

Ms. BALDWIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I have no futher requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 2942, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is enacted.''

A motion to reconsider was laid on the table.

REAPPOINTMENT AS MEMBER OF LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Without objection and pursuant to section 1 of the act to create a Library of Congress Trust Fund Board (2 U.S.C. 154), amended by Section 1 of Public Law 102–246, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Library of Congress Trust Fund Board for a 5 year term:

Mr. Edwin L. Cox, Dallas, Texas.

There was no objection.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–132)

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 International Relations and ordered to be printed:

To the Congress of the United States

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1999.*

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

Mr. PACKARD. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report to accompany the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

□ 1745

Mr. SHUSTER. Mr. Speaker, this bill being called up without our having a chance to see it, I have no option but to oppose it and therefore demand the time in opposition.

The SPEAKER pro tempore (Mr. UPTON). Under a unanimous consent

agreement from earlier today, the gentleman from California (Mr. PACKARD) had the right to call up the bill.

Mr. PACKARD. Mr. Speaker, I have no problem dividing the time three ways, if my colleague and minority ranking member would be willing to do that. I do not plan to take certainly more than 20 minutes.

The SPEAKER pro tempore. Is there objection to dividing the debate three ways?

Mr. SHUSTER. Does that mean that I, in opposition, will have 20 minutes?

The SPEAKER pro tempore. Since the Chair understands that both the gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY) support the Conference report; the Chair is able to divide the debate up three ways under the rules.

Mr. SHUSTER. Does that mean that I will be able to control one-third?

The SPEAKER pro tempore. That is correct. The gentleman from Pennsylvania (Mr. SHUSTER) will be recognized for 20 minutes.

Mr. SHUSTER. I have no objection then.

The SPEAKER pro tempore. The gentleman from California (Mr. PACKARD) is recognized for 20 minutes.

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

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

Mr. PACKARD. Mr. Speaker, I rise in support of the conference report. This is a report accompanying H.R. 2605, a bill making appropriations for energy and water development for the fiscal year 2000. There were dramatic differences of priorities between the House and the Senate bill. It was not an easy conference to consummate; but in the final analysis, with the help of tremendous work by our staff and by the members of the subcommittees, both in the House and in the Senate, we were able to work out those differences of priorities and; I think we have produced a very good product.

I am proud of this conference report. We have recommended a generous and cost-effective civil works program. We know that there were limits to what we could do. We were unable to fund any new projects that were authorized in the Water Resource Development Act of 1999. We agreed also to only fund projects that were within the scope of the House and the Senate recommendations. In short, we agreed to finish what we have started and look forward to expanding the benefits of civil works programs next year and in the future.

I want to thank my Senate counterpart, Senator PETE DOMENICI, the chairman of the Senate committee, and his ranking minority member, Senator HARRY REID, for their cooperation and hard work in the conference. I would like to express my sincere and deep appreciation for my colleagues on the House subcommittee on Energy and Water Development. They devoted untold time and effort to make this conference report possible.

I am especially grateful to my good friend and the ranking minority member, the gentleman from Indiana (Mr. VISCLOSKY), for his tremendous effort on behalf of this conference report and that of his staff. I believe this was a bipartisan effort, and I think in the final analysis we have a very good product.

I cannot say enough about the hard-working staff that helped us accomplish this task, both our committee staff and our personal staffs, for the work that they did. They worked day and night for the last 2 weeks in preparing this conference report for its adoption. I believe the conference agreement is balanced and fair and would urge all Members of the House to support its adoption. We think we have worked out any problems that the President expressed in terms of a veto threat. We think that the President will be glad to sign this bill. It is good for the Members. It is good for the country, and I urge Members to adopt it.

Mr. Speaker, I rise in support of the conference report to accompany H.R. 2605, a bill making appropriations for energy and water development for fiscal year 2000.

At the outset, I would like to briefly state how pleased I am that the conference committee was able to work out the dramatic differences between the House and Senate bills so amicably and to such positive effect. Given the great divide over House and Senate priorities, many concluded that we would never be able to resolve our differences. Not only did we resolve those differences, we did so in such a way that the critical priorities of the House and Senate were carefully protected.

I am proud of the agreement struck between the House and Senate on energy and water programs. It was a difficult and arduous negotiation, but the product of our deliberations is a package that will help strengthen our defense, rebuild our critical infrastructure and increase our scientific knowledge.

I am especially pleased with the civil works program that the conference report recommends for the U.S. Army Corps of Engineers. At $4.14 billion, the recommended funding is slightly highly than last year's level and $247 million higher than the Administration's inadequate request. Moreover, we have been able to preserve funding for water development projects across the country that are of the utmost importance to our colleagues.

We have recommended a generous, efficient and cost-effective civil works program. But, of course, there are limits to what we could do. The conferees did agree to fund no new projects recently authorized by the Water Resources Development Act of 1999, and we agreed to fund only those projects within the scope of the House and Senate recommendations. In short, we agreed to finish what we've started, and we look forward to expanding the benefits of the civil works program next year and in the future.

I want to thank my Senate counterpart, Chairman PETE DOMENICI, and his Ranking Minority Member, Senator HARRY REID, for their cooperation and hard work. Moreover, I would like to express my appreciation to my colleagues on the House Subcommittee on Energy and Water Development, whose devoted efforts made this conference report possible. I am especially grateful to my good friend and the Ranking Minority Member of the House subcommittee, the Honorable PETE VISCLOSKY, for his tremendous efforts on behalf of this conference report. The spirit of bipartisanship that enveloped the conference negotiations provides a model that other committees would be well advised to emulate.

I believe the conference agreement is balanced and fair, and I would urge the unanimous support of the House for its adoption. I would hope we could quickly conclude action on this conference report so that we can get this bill to the White House before the fiscal year expires.

ENERGY AND WATER DEVELOPMENT APPRORPIATIONS BILL, 2000 (H.R. 2605)

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	161,747	135,000	158,993	125,459	161,994	+247
Construction, general	1,429,885	1,239,900	1,412,591	1,086,586	1,400,722	-29,163
Supplemental appropriations (P.L. 105-277)	35,000	.....	.....	.....	.....	-35,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	321,149	280,000	313,324	315,630	309,416	-11,733
Emergency appropriations (P.L. 105-277)	2,500	.....	.....	.....	.....	-2,500
Operation and maintenance, general	1,653,252	1,835,900	1,888,481	1,790,043	1,853,618	+200,366
Emergency appropriations (P.L. 105-277)	99,700	.....	.....	.....	.....	-99,700
Regulatory program	106,000	117,000	117,000	115,000	117,000	+11,000
FUSRAP	140,000	140,000	150,000	150,000	150,000	+10,000
General expenses	148,000	148,000	148,000	151,000	149,500	+1,500
Total, title I, Department of Defense - Civil	4,097,233	3,895,800	4,188,389	3,733,718	4,142,250	+45,017
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	25,741	21,002	20,431	21,002	22,573	-3,168
Fish, wildlife, and recreation mitigation and conservation	10,476	12,047	10,476	12,047	10,476	.....
Utah reclamation mitigation and conservation account	5,000	5,000	5,000	5,000	5,000	.....
Subtotal	41,217	38,049	35,907	38,049	38,049	-3,168
Program oversight and administration	1,283	1,321	1,283	1,321	1,321	+38
Total, Central Utah project completion account	42,500	39,370	37,190	39,370	39,370	-3,130
Bureau of Reclamation						
Water and related resources	617,045	652,838	604,910	612,451	607,927	-9,118
(By transfer)	(25,800)	.....	.....	.....	.....	(-25,800)
Supplemental appropriations (P.L. 106-31)	1,500	.....	.....	.....	.....	-1,500
Loan program	8,421	12,425	12,425	12,425	12,425	+4,004
(Limitation on direct loans)	(38,000)	(43,000)	(43,000)	(43,000)	(43,000)	(+5,000)
Central Valley project restoration fund	33,130	47,346	47,346	37,346	42,000	+8,870
California Bay-Delta ecosystem restoration	75,000	95,000	75,000	50,000	60,000	-15,000
Policy and administration	47,000	49,000	45,000	49,000	47,000	.....
Total, Bureau of Reclamation	782,096	856,609	784,681	761,222	769,352	-12,744
Total, title II, Department of the Interior	824,596	895,979	821,871	800,592	808,722	-15,874
(By transfer)	(25,800)	.....	.....	.....	.....	(-25,800)
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	727,091	834,791	607,579	715,412	639,117	-87,974
(By transfer)	.....	(5,821)	(5,821)	(5,821)	(5,821)	(+5,821)
Supplemental appropriations (P.L. 105-277)	60,000	.....	.....	.....	.....	-60,000
Non-defense environmental management	431,200	330,934	327,223	327,922	333,618	-97,582
Uranium enrichment decontamination and decommissioning fund	220,200	240,198	240,198	200,000	250,198	+29,998
Science	2,682,860	2,831,444	2,718,647	2,725,069	2,799,851	+116,991
Supplemental appropriations (P.L. 105-277)	15,000	.....	.....	.....	.....	-15,000
Nuclear Waste Disposal	169,000	258,000	169,000	242,500	240,500	+71,500
(By transfer)	.....	(39,000)	.....	.....	.....	.....
Departmental administration	200,475	240,377	193,769	219,415	206,365	+5,890
Miscellaneous revenues	-136,530	-116,887	-106,887	-116,887	-106,887	+29,643
Net appropriation	63,945	123,490	86,882	102,528	99,478	+35,533
Y2K conversion (emergency appropriations)	10,000	.....	.....	.....	.....	-10,000
Office of the Inspector General	29,000	30,000	30,000	29,000	29,500	+500
Environmental restoration and waste management:						
Defense function	(5,576,824)	(5,785,768)	(5,440,250)	(5,849,168)	(5,737,841)	(+161,017)
Non-defense function	(651,400)	(571,132)	(567,421)	(527,922)	(583,816)	(-67,584)
Total	(6,228,224)	(6,356,900)	(6,007,671)	(6,377,090)	(6,321,657)	(+93,433)
Atomic Energy Defense Activities						
Weapons activities	4,400,000	4,507,935	3,962,500	4,609,832	4,443,939	+43,939
Defense environmental restoration and waste management	4,310,227	4,497,951	4,157,758	4,551,676	4,484,349	+174,122
Y2K conversion (emergency appropriations)	10,340	.....	.....	.....	.....	-10,340
Defense facilities closure projects	1,038,240	1,054,492	1,054,492	1,069,492	1,064,492	+26,252
Y2K conversion (emergency appropriations)	3,500	.....	.....	.....	.....	-3,500
Defense environmental management privatization	228,357	228,000	228,000	228,000	189,000	-39,357
Subtotal, Defense environmental management	5,590,664	5,780,443	5,440,250	5,849,168	5,737,841	+147,177

ENERGY AND WATER DEVELOPMENT APPRORPIATIONS BILL, 2000 (H.R. 2605) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Other defense activities	1,696,676	1,863,015	1,851,809	1,872,000	1,722,444	+25,768
Emergency appropriations (P.L. 105-277)	525,000					-525,000
Y2K conversion (emergency appropriations)	13,650					-13,650
Defense nuclear waste disposal	189,000	112,000	112,000	112,500	112,000	-77,000
Total, Atomic Energy Defense Activities	12,414,990	12,263,393	11,166,559	12,443,500	12,016,224	-398,766
Power Marketing Administrations						
Operation and maintenance, Southeastern Power Administration	7,500			39,594	39,594	+32,094
Operation and maintenance, Southwestern Power Administration	26,000	27,167	27,167	28,000	28,000	+2,000
(By transfer)		(773)	(773)		(773)	(+773)
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	203,000	171,471	171,471	223,555	193,357	-9,643
Falcon and Amistad operating and maintenance fund	1,010	1,309	1,309	1,309	1,309	+299
Total, Power Marketing Administrations	237,510	199,947	199,947	292,458	262,260	+24,750
Federal Energy Regulatory Commission						
Salaries and expenses	167,500	179,900	174,950	170,000	174,950	+7,450
Revenues applied	-167,500	-179,900	-174,950	-170,000	-174,950	-7,450
Total, title III, Department of Energy	17,060,796	17,112,197	15,546,035	17,078,389	16,670,746	-390,050
Appropriations	(16,423,306)	(17,112,197)	(15,546,035)	(17,078,389)	(16,670,746)	(+247,440)
Supplemental appropriations	(75,000)					(-75,000)
Emergency appropriations	(525,000)					(-525,000)
Y2K conversion (emergency appropriations)	(37,490)					(-37,490)
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	66,400	66,400	60,000	71,400	66,400	
Defense Nuclear Facilities Safety Board	16,500	17,500	16,500	17,500	17,000	+500
Denali Commission	20,000			25,000	20,000	
Rescission			-18,000			
Nuclear Regulatory Commission:						
Salaries and expenses	465,000	465,400	455,400	465,400	465,000	
Revenues	-444,800	-442,400	-432,400	-442,400	-442,000	+2,800
Subtotal	20,200	23,000	23,000	23,000	23,000	+2,800
Office of Inspector General	4,800	6,000	6,000	5,000	5,000	+200
Revenues	-4,800	-6,000	-6,000	-5,000	-5,000	-200
Subtotal						
Total	20,200	23,000	23,000	23,000	23,000	+2,800
Nuclear Waste Technical Review Board	2,600	3,150	2,600	3,150	2,600	
Tennessee Valley Authority: Tennessee Valley Authority Fund		7,000		7,000		
Supplemental appropriations (P.L. 105-277)	50,000					-50,000
Total, title IV, Independent agencies	175,700	117,050	84,100	147,050	129,000	-46,700
TITLE V - RESCISSIONS						
DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations (rescission)				-1,512	-930	-930
Construction, general (rescission)				-35,412	-12,819	-12,819
Total, Corps of Engineers - Civil				-36,924	-13,749	-13,749
DEPARTMENT OF ENERGY						
Nuclear Waste Disposal (rescission)					-4,000	-4,000
Power Marketing Administrations						
Southeastern Power Administration:						
Purchase power and wheeling (rescission)				-5,500	-3,000	-3,000
Total, title V, Rescissions				-42,424	-20,749	-20,749
Grand total:						
New budget (obligational) authority	22,158,325	22,021,026	20,640,395	21,717,325	21,729,969	-428,356
Appropriations	(21,493,635)	(22,021,026)	(20,658,395)	(21,759,749)	(21,750,718)	(+257,083)
Rescissions			(-18,000)	(-42,424)	(-20,749)	(-20,749)
Emergency appropriations	(664,690)					(-664,690)
(By transfer)	(25,800)	(45,594)	(6,594)	(5,821)	(6,594)	(-19,206)

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

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

Mr. Speaker, in a quarter of a century in this House I have known of no situation in which the chairman or ranking member of an authorizing committee informed the leadership that they would have an objection to a unanimous consent request and subsequently had that ignored and indeed had a unanimous consent request made in their absence, in effect snuck past them, without giving them an opportunity to exercise their rights. I believe this is disgraceful. I am stunned. I cannot believe, when I walked on this floor, to learn that after we had clearly communicated to the leadership that we would have a unanimous consent objection that we were not informed and given the right to be here to protect our rights. But if that is the way the Republican leadership wants to run this House, then that is their decision. It is certainly not my decision and I cannot find the words to adequately express my dismay at the way this House is being managed.

Now having said that, I want to emphasize that I have absolutely no quarrel whatsoever with the gentleman from California (Mr. PACKARD), the distinguished chairman of the subcommittee. Indeed, he did his work as his legislation passed through this House. Indeed, I voted for his appropriation bill when it passed through this House, and in spite of some of the things that we do not like about it, I assumed that I would be prepared to vote for it, for the conference report, when it came back; but there is one little problem. That is, we have not seen the conference report. We have not been able to read the conference report. It might be an excellent conference report, and it might be one which we can support. We simply do not know that because we have not had the opportunity to see it and to study it and to read it.

This problem takes on particular significance because of the experience we have had in the past in dealing with matters such as this. Let me remind the House that when the omnibus bill came through here last year, not only did we not have a chance to see it but we accepted it on faith and indeed we only discovered later that a point of order, which was part of the law in T–21, the transportation bill, had been changed without our knowledge in the last moments before that omnibus bill came to the floor, and we never knew it was in there.

That is not the end of the story. Indeed, as previous legislation came to the floor with regard to the aviation bill, the House in the aviation bill last year provided that a 30 percent funding of the total funding would come from the general fund.

The Senate, in the bill as it worked its way through the Senate, provided that 30 percent of the total funding would come from the general fund. We were assured that that is what obviously would come back to the House in a conference report since that is what both the House bill said and what the Senate bill said, but in the dead of night, despite those assurances we received, the general fund percentage was cut to 15 percent. Nobody knew it. We did not know it. Not only did we not know it, we were lied to. We were lied to, and I choose that word carefully because we were assured that it would be 30 percent funded.

So with that kind of a background, with that kind of experience in the past, how can we in good conscience take the assurance that this bill, which I indeed voted for when it came through the House, that this bill is as it is purported to be?

There is an old saying, fool me once, shame on you. Fool me twice, shame on me. Well, I suppose fool me thrice, and it really would make a fool of us all.

So I regret, I regret, that our right was not protected to object to the unanimous consent request. I regret that we have not had an opportunity to see this conference report, which once we study it may well be acceptable.

I regret that we were misled last year in the omnibus bill. I regret that we were misled, yes lied to, with regard to the aviation general funding in last year's bill. So for all of those reasons, I must oppose this conference report, express my deep regret and urge all my colleagues who care about following the proper procedure of this House and knowing what is in legislation urge them all to oppose this conference report.

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

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

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

Mr. VISCLOSKY. Mr. Speaker, I want to thank the chairman of the subcommittee, the gentleman from California (Mr. PACKARD), all of the Members on both sides of the aisle of the subcommittee, for their diligent work. I would also want to thank all of the members of the staff.

I would suggest to the membership this is a good bill and I would encourage them to vote for it.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I just want to rise to compliment the chairman of the committee, the gentleman from California (Mr. PACKARD), and the ranking Democratic member, the gentleman from Indiana (Mr. VISCLOSKY), for their hard and bipartisan efforts on this bill.

A lot of times this bill is below the radar screen for many Members of this House and members of the general public, but the fact is that there are some key infrastructure programs in this legislation that is essential to the future economic development of America: flood control projects to save our cities and families from massive floods that we have witnessed throughout the country; navigation projects that are so terribly important for commerce in America; vital university research programs; perhaps those things that do not have an overnight payoff but investment in the brightest minds in America that help make life better for all American families; and finally, something that we do not talk enough about on the floor of this House and that is the threat of nuclear proliferation in the world.

This subcommittee, under the leadership of the gentleman from California (Mr. PACKARD), plays a very key role in trying to limit the proliferation of nuclear arms, a threat that could virtually touch every family in America, if not every family in the world.

I wish we had had more funds to work with on this subcommittee, but given the allocation that the chairman and ranking member had, I think they did an excellent job truly working on a bipartisan, fair basis to fund these terribly important programs.

□ 1800

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

Mr. Speaker, relative to the legislation, I would like to point out that important changes have happened since our House approved this legislation on July 27. Additional funding was added to the original House bill, a total of $1.2 billion. As a result, important water-related infrastructure projects not funded in the Senate's version of the bill were retained in the final conference agreement. I am pleased that we were able to assist so many Members with important water-related projects in their individual congressional district.

On the matter of national policy, I would point out that two legislative provisions in Title I of the bill were modified by the conference committee late last week during intense negotiations. Specifically, legislative language had been included in the conference report creating in statutory language a new administrative appeal system in the Corps of Engineers related to jurisdictional determinations for wetlands.

Again, as I indicated in my earlier remarks, there are a number of other very worthwhile provisions in this legislation, and I would encourage my colleagues to support the legislation.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Indiana for yielding me this time.

Mr. Speaker, I just want to take a minute to commend both the chairman and the ranking member of the subcommittee for the work they have

done, particularly as it relates to the Simms Bayou project in my district that I share with the 18th District, which is an ongoing project about halfway through, the Brazoria Bayou project which is in my district and that I share with the 22nd district of Texas. These are important flood control projects that affect tens of thousands of homeowners in the greater Houston area, and also for the Houston Galveston Navigational Channel project and the funding that runs through part of my district and the language addressing that and the barge traffic.

I appreciate the work of the gentleman from Texas (Mr. EDWARDS), a member of the subcommittee, for the hard work he did on all of these projects even though they are far from his district in central Texas, but he understands the importance that they are to the greater Houston area.

Again, I thank the chairman and ranking member.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield such time as he might consume to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Pennsylvania (Chairman SHUSTER) for yielding. I rise in support of the chairman's profound concern and I would say controlled outrage at the treatment that the senior Member of the House has been accorded in this matter. It is a matter of simple courtesy when concern has been expressed by the committee chairman, a senior Member of the House and a committee chairman, that comity directs that these concerns be addressed. The chairman was not fairly treated. Our committee has not been fairly treated. I join with the chairman in expressing that concern.

I make no observation about the substance, as the gentleman from Pennsylvania (Chairman SHUSTER) expressed, of this bill. We have not seen it. We do not know what has been in it, what has been included or excluded. But we do have a basic principle of fairness. When a senior Member expresses reservations, they ought to be at least given the opportunity to express those concerns at the appropriate time in the parliamentary proceeding. I will join my chairman in expressing that at the appropriate time when we come to a vote on this bill.

Mr. VISCLOSKY. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. OBERSTAR) and again emphasize that my concern, while very serious about the fairness issue here, which he has outlined, goes beyond that to the very real experience we had last year when we were misled about the contents of the omnibus bill. Indeed, it is for that reason that our concern here is not theoretical about what might be in the bill. Our concern is grounded in our experience of having been misled previously.

It is for that reason that we believe we should have the right and the opportunity to read and study the bill before we vote on it, a bill which I voted for when it worked its way through the House, but a conference report which I must oppose for those two fundamental reasons.

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

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

Mr. Speaker, I certainly believe that there is absolutely nothing in this bill that will surprise any of the Members. We feel it is a very good bill, and we hope all of the Members will support it.

Mr. UDALL of Colorado. Mr. Speaker, I support this conference report.

This is an important bill for our country. It is especially important for Colorado because it provides the funding for continuing work on the critical task of cleaning up Rocky Flats, the former atomic-weapons facility.

Rocky Flats sits near the heart of the Denver-Boulder metropolitan area, which is home to more than two million people. It has extensive amounts of hazardous materials. For all Coloradans it's a matter of highest priority to have Rocky Flats cleaned up efficiently, safely, and promptly.

In 1997, DOE designated Rocky Flats as a pilot site for accelerated cleanup and closure, and is working to finish cleaning it up in time for closure in 2006. I strongly support this effort, as does the entire Colorado delegation here in the House and in the other body as well.

So, I am very glad that the conference report maintains the needed funding for the Rocky Flats closure fund. I want to thank Chairmen Packard and Young, Ranking members Visclosky and Obey, and the other conferees for their leadership and for recognizing the importance of this undertaking for Colorado and the nation. I am particularly pleased that the conference report says in the future DOE should request adequate funds to keep Rocky Flats and the other closure projects on a schedule for closure by 2006 or earlier.

I also appreciate the inclusion in this conference report of $24.5 million for the work of DOE's Office of Worker and Community Transition. While this is less than was the Senate's bill, it is more than in the original bill passed by the House earlier this year. The activities of this office, which implements the so-called ''3161'' program, are essential if we are to truly keep faith with the Cold-war warriors who have worked at Rocky Flats and at the other sites in DOE's nuclear-weapons complex.

In addition, funding through this office is very important to assist the local communities as they work to adjust to ongoing changes now underway at Rocky Flats and those that will come after cleanup and closure are achieved.

I do regret that the conference report does not include more funding for solar and renewable energy programs. I think this is a serious shortcoming in this measure—and, if it were not for the other important programs such as those I have mentioned, I would oppose the conference report because of this defect. However, I will continue to work to provide more funds for these important purposes in the future.

Mr. VISCLOSKY. Mr. Speaker, I rise to express my strong support for the conference report accompanying H.R. 2605, the Energy and Water Development Appropriations bill for Fiscal Year 2000. This legislation contains $21,279,000,000 ($21 billion $279 million $969 thousand dollars) in new federal funding for programs of the Department of Energy, the U.S. Army Corps of Engineers, Bureau of Reclamation, Power Marketing Administrations, NRC, FERC, and the Appalachian Regional Commission.

This funding level is $210 million over the Fiscal Year 1999 Energy and Water Development conference report funding level of $21,069,000,000 billion.

The bill includes:	Fiscal year 2000	Fiscal year 1999 (In millions)
Title I (Corps)	$4,142,250,000	$4,097,233,000 [+$45]
Title II (BOR)	$808,722,000	$824,596,000 [−$15]
Title III (DOE)	$16,670,246,000	$16,423,000,000 [+$247]
Title IV (Ind Agncs)	$129,000,000	$175,700,000 [−$47]
Rescissions	$20,749,000	$0.0 [−$20]
(Scorekeeping adjustments $450,000,000)		
Grand total:	$21,279,000,000	$21,069,000,000 [+$210]

Mr. GREEN of Texas. Mr. Speaker, I rise in support of this important appropriations conference report. Let me first thank Chairman RON PACKARD and Ranking Member PETE VISCLOSKY for their support and hard work. I also want to thank my colleague and friend, Congressman CHET EDWARDS for his dedication, hard work, and I especially appreciate his advice. Because of their efforts, the Houston-Galveston Navigation project has been appropriated the full $60 million needed to maintain the construction schedule of the deepening and widening of the Houston Ship Channel.

This subcommittee has had the foresight to maintaining the optimal construction schedule. By providing the necessary funds now, this project's return on investment will save taxpayers an estimated $63.5 million in increased construction costs. Also, the Port of Houston generates $300 million annually in customs fees and $213 annually in state and local taxes, which demonstrates that the Houston-Galveston Navigation Project will more than pay for itself.

The continued expansion of the Port of Houston is important on many levels. More than 7,000 vessels navigate the ship channel each year. The port provides $5.5 billion in annual business revenues and creates directly or indirectly 196,000 jobs. It is anticipated that the number and size of vessels will only increase. Completing the widening and deepening of the ship channel in a timely manner will increase safety and the economic viability of the port and the City of Houston.

The citizens of Houston appreciate your confidence in this project, and I urge my colleagues to support this bill.

Mr. KIND. Mr. Speaker, as the representative from Wisconsin's Third Congressional District and a co-chair of the Upper Mississippi

River Task Force, I rise in support of the Energy and Water conference report for fiscal year 2000.

I am pleased that the conference report includes $18.955 million for the Environmental Management Program (EMP), a cooperative effort among the U.S. Fish and Wildlife Service, the National Biological Service and the U.S. Army Corps of Engineers to ''ensure the coordinated development and enhancement of the Upper Mississippi River System.'' The EMP is designed to evaluate, restore and enhance riverine and wetland habitat along a 1,200 mile stretch of the Upper Mississippi and Illinois Rivers.

This appropriation will allow the state operated EMP field stations to remain open and continue to fulfill their mission by collecting essential data on the rivers. This funding along with the recent passage of the Water Resource Development Act of 1999 highlights the EMP's importance to the Upper Mississippi River Basin's economic and environmental well being.

In addition, I am especially grateful that the fiscal year 2000 Energy and Water Appropriations conference report, provides $3 million in funding for the Kickapoo Valley Reserve Project in western Wisconsin. This money will be used for remediation of past contamination, completion of site safety modifications, and the continuation of the work on satisfying the authorized highway relocation requirements.

In 1962, Congress first authorized the Army Corps of Engineers to construct a flood control dam at La Farge, Wisconsin. This dam project, however, was abandoned in 1973 due to environmental and economic concerns. Since the decision to abandon the project, more than 8,600 acres of land have been held in a state of limbo. Recently through the dedicated efforts of many concerned citizens in western Wisconsin, this area is finally being restored for recreation and agriculture uses. Passage of the fiscal year 2000 Energy and Water conference report will help advance this much needed project toward its completion.

While the conference report contains these two excellent projects, I am gravely disappointed that an anti-environment provision that would curtail the Federal Government's efforts to reduce global air pollution is included. Such unnecessary language will hamper global efforts to preserve our environment for future generations.

Though I am opposed to including the Knollenberg provision, because of the importance of these two projects for Wisconsin and other important Energy and Water projects which are included in this conference report, I will vote for final passage.

Ms. PRYCE of Ohio. Mr. Speaker, today, I rise in strong support of the conference report for H.R. 2605, the Fiscal Year 2000 Energy and Water Development Appropriations bill. This annual appropriation bill includes full funding for the West Columbus Floodwall, an important project located in my district. Each year, as the appropriations process unfolds in Congress, I have made budget requests for the Floodwall Project, and have closely monitored the process to ensure that it receives the funding it needs. I remain committed toward achieving this goal. The $16 million included in this conference report will allow this project to proceed on-schedule and on-budget and sends a strong message that Congress intends to fulfill its existing commitments to the people of Columbus. I would like to express my sincere gratitude to Chairman PACKARD (CA), Vice-Chairman VISCLOSKY (IN), and the House and Senate conferees for the inclusion of $16 million for the West Columbus Floodwall Project.

The threat of a major flood disaster continues to loom in Columbus and Central Ohio. In 1913, 1937, and 1959, melting snow and heavy rains caused the Scioto River to overflow its banks. The resulting catastrophic floods caused the loss of many lives, destroyed homes and businesses, and damaged millions of dollars worth of residential and commercial property. Until the Floodwall Project is completed, the potential for a major flood disaster will continue to threaten citizens, homes, and businesses located in the very heart of downtown Columbus that borders the Scioto River. Today, approximately 17,000 residents continue to be placed at risk of life, injury, and hardship. Should a 100-year frequency flood occur prior to completion of the project, the damages are estimated at $365 million and should a 500-year flood occur, the damages are estimated to exceed $455 million.

While risk to human life and safety is of paramount concern, completion of the Floodwall will also permit important new development along the Scioto riverfront. Columbus is now the largest city in Ohio and the fifteenth largest city in the United States. Its economy is strong and the city is experiencing rapid growth. New construction in the downtown riverfront area, however, will not be able to proceed until the Floodwall construction is completed. Without the important protection of the Floodwall, this looming risk will deter future business and housing development, economic growth, infrastructure improvements, and recreational opportunities in the city. Currently, flood plain zoning restrictions continue to remain in place for 5,520 residences and 650 non-residential structures, as well as the future development of 2,800 acres. It is, therefore, imperative to the city's growth and economic health that the Floodwall Project continue on schedule. Therefore, it is not only the safety of Columbus residents and businesses, but also the future growth of the city's downtown which depends on the timely completion of this important project.

On behalf of those that continue to live with the threat of a major disaster in Columbus and Central Ohio, let me again thank all the Members for their assistance on this very important project.

Mr. VITTER. Mr. Speaker, I rise today to commend you for your efforts to include language and funding in this Conference agreement to address so many of the urgent needs of our constituents in Louisiana, in particular two critically important projects. As you know, Mr. Chairman, flood control is a major issue in Louisiana with so many low-lying areas susceptible to high waters and flooding, especially during the hurricane season. The Southeast Louisiana (SELA) flood control project is an aggressive effort by federal, state and local officials to protect thousands of Louisianians from the loss of life and property through the construction of extensive flood control mechanisms in the most vulnerable areas of our state. Your willingness to include $47 million for this project together with language to reinstate the Corps' current authority to expedite construction for this project and to proceed with continuing contracts for construction is deeply appreciated.

Furthermore, with regard to the SELA project, it is my understanding that the conference report language and the current authorization for this project, specifically Section 533(d) of the 1996 Water Resources and Development Act, allows the Corps to proceed with expedited funding of construction contracts above the current authorization level as long as the projects provided for by these contracts are determined by the Corps to be ''technically sound, environmentally acceptable, and economic as applicable.''

Secondly, I applaud you and the conferees for including $15.9 million in the Army Corps of Engineers (Corps) budget for the Inner Harbor Navigational Canal (IHNC) Lock Replacement Project in New Orleans and inserting language in the Conference Report that would expedite the community mitigation plan associated with that project.

Finally, regarding the IHNC lock replacement project, I believe that the Corps is directed to work in good faith to arrive at an equitable solution to value the properties that it acquires from the Port of New Orleans to complete this project. Accordingly, under such direction, the Port's property and facilities require valuation at the full replacement cost in the same manner that the Corps is employing in its acquisition of certain Coast Guard property to be acquired by the Corps for this project.

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

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on adoption of the conference report will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules and the question on adoption of a conference report on which further proceedings were postponed earlier today in the order in which that motion and question were entertained.

Votes will be taken in the following order:

H. Con. Res. 187, by the yeas and nays;

H. Con. Res. 140, by the yeas and nays;

S. 293, by the yeas and nays;

H.R. 202, by the yeas and nays;

The conference report to accompanying H.R. 2605, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in the series.

SENSE OF CONGRESS REGARDING EUROPEAN COUNCIL NOISE RULE AFFECTING HUSHKITTED AND REENGINED AIRCRAFT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 187, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 187, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 2, not voting 29, as follows:

[Roll No. 448]

YEAS—402

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Chenoweth
Paul

NOT VOTING—29

Berman
Bishop
Bonior
Brown (FL)
Cannon
Carson
Fattah
Hutchinson
Istook
Jefferson
Johnson (CT)
Kleczka
Larson
Maloney (CT)
Mascara
McIntosh
Meeks (NY)
Miller, George
Neal
Norwood
Owens
Pryce (OH)
Riley
Scarborough
Smith (NJ)
Sweeney
Towns
Walsh
Wu

□ 1828

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules and question on which the Chair has postponed further proceedings.

SENSE OF THE CONGRESS THAT HAITI SHOULD CONDUCT FREE, FAIR, TRANSPARENT AND PEACEFUL ELECTIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 140.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 140, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 1, answered ''present'' 1, not voting 31, as follows:

[Roll No. 449]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger

Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—1

Barr

NOT VOTING—31

Berman
Bishop
Bonior
Brown (FL)
Cannon
Carson
Fattah
Hutchinson
Istook
Jefferson
Johnson (CT)
Johnson, Sam
Kleczka
Larson
Lewis (CA)
Maloney (CT)
Mascara
McIntosh
Meeks (NY)
Miller, George
Neal
Norwood
Owens
Pryce (OH)
Riley
Scarborough
Smith (NJ)
Sweeney
Towns
Walsh
Wu

□ 1836

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall votes Nos. 448 and 449.

Had I been present I would have voted "yes" on both Nos. 448 and 449.

CONVEYING LAND IN NEW MEXICO TO SAN JUAN COLLEGE

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the Senate bill, S. 293.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 293, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 1, not voting 26, as follows:

[Roll No. 450]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—1

Largent

NOT VOTING—26

Berman
Bishop
Bonior
Brown (FL)
Cannon
Carson
Fattah
Gilchrest
Jefferson
Johnson (CT)
Kleczka
Larson
Mascara
McIntosh
Meeks (NY)
Miller, George
Neal
Norwood
Pryce (OH)
Riley
Scarborough
Smith (NJ)
Sweeney
Tiahrt
Walsh
Wu

□ 1844

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESERVING AFFORDABLE HOUSING FOR SENIOR CITIZENS AND FAMILIES INTO THE 21ST CENTURY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 202, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 202, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 5, not voting 23, as follows:

[Roll No. 451]

YEAS—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—5

Chenoweth
Hostettler
Paul
Royce
Sanford

NOT VOTING—23

Berman
Bonior
Cannon
Carson
Fattah
Hutchinson
Jefferson
Johnson (CT)
Kleczka
Larson
Mascara
McIntosh
Meeks (NY)
Miller, George
Neal
Norwood
Pryce (OH)
Riley
Scarborough
Smith (NJ)
Sweeney
Walsh
Wu

□ 1852

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to provide for the preservation of assisted housing for low-income elderly persons, disabled persons, and other families.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON. Mr. Speaker on rollcall numbers 448, 449, 450, and 451, I was unavoidably detained. Had I been present, I would have voted "yes" on each.

CONFERENCE REPORT ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of agreeing to the conference report on the bill, H.R. 2605, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 327, nays 87, not voting 19, as follows:

[Roll No. 452]

YEAS—327

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Clay
Clayton
Combest
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)

Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Talent
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NAYS—87

Baker
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Boehlert
Brady (TX)
Bryant
Burr
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Condit
Davis (VA)
Deal
DeFazio
DeMint
Doolittle
Duncan
Ehlers
English
Filner
Ford
Gibbons
Goode
Goodlatte
Gordon
Graham
Green (WI)
Hall (TX)
Hayes
Hefley
Hill (MT)
Hilleary
Hilliard
Holden
Hostettler
Hutchinson
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Largent
LaTourette
Lipinski
Luther
McInnis
Minge
Moran (KS)
Myrick
Oberstar
Ortiz
Paul
Pease
Peterson (MN)
Petri
Ramstad
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (MI)
Spratt
Stearns
Sununu
Tancredo
Tanner
Taylor (NC)
Terry
Toomey
Velazquez
Wamp
Young (AK)

NOT VOTING—19

Berman
Bonior
Cannon
Carson
Fattah
Jefferson
Johnson (CT)
Kleczka
Mascara
Meeks (NY)
Miller, George
Neal
Norwood
Pryce (OH)
Riley
Scarborough
Sweeney
Walsh
Wu

□ 1901

Mr. WAMP and Mr. GORDON changed their vote from ''yea'' to ''nay.''

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on any motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such rollcall vote, if postponed, will be taken tomorrow.

EXTENDING CERTAIN EXPIRING FEDERAL AVIATION ADMINISTRATION AUTHORIZATIONS

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S.1637) to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

The Clerk read as follows:

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM, ETC.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking ''$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999.'' and inserting ''$2,410,000,000 for the fiscal year ending September 30, 1999.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking ''August 6, 1999,'' and inserting ''September 30, 1999,''.

(c) LIQUIDATION OF CONTRACT AUTHORIZATION.—The provision of the Department of Transportation and Related Agencies Appropriations Act, 1999, with the caption ''GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)'' is amended by striking ''Code: *Provided further,* That no more than $1,660,000,000 of funds limited under this heading may be obligated prior to the enactment of a bill extending contract authorization for the Grants-in-Aid for Airports program to the third and fourth quarters of fiscal year 1999.'' and inserting ''Code.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Mr. Speaker, this bill is an extremely important bill to our Nation's airports. The FAA's authority to make construction grants to airports under the Airport Improvement Program expired on August 6 of this year. At that time there was still $290 million available for such grants, but this money could not be spent without a further authorization.

Since the expiration of the program, there have been no AIP discretionary grants given out to our Nation's airports. This bill would release the remaining $290 million of AIP funds to those airports whose grant applications the FAA has approved. All of this money comes out of the Aviation Trust Fund, which is entirely supported by passenger ticket taxes and general aviation fuel taxes.

The money was assumed in last year's omnibus appropriations bill, so spending it now will not add a dime to the Federal deficit. More than 150 airports in every state in the Nation will benefit from these grants. It is essential that we move quickly on this bill.

The fiscal year ends on Thursday, and this bill must be signed into law before then in order for these necessary funds to be released. The Senate passed this bill on Friday, so favorable action by the House now would clear the measure for the President. I would expect the President to sign this bill. The FAA could then begin issuing the grants immediately. Given the late date, it should do this without the usual 3 day prior notification.

Mr. Speaker, I urge my colleagues to fully support this bill so that airport grant money will not be wasted.

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

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

Mr. Speaker, I rise in support of passage of S. 1637. This bill provides for extension of the Airport Improvement Program through the end of fiscal year 1999 and allows the Federal Aviation Administration to release the remaining AIP funds for this fiscal year to fund critical airport development projects. Each state will get additional aviation resources by the action the House will take today.

The best solution for the Nation's airports and air traffic control system is a long-term reauthorization bill that will unlock the trust funds, as we have done in legislation that has already

passed the House. We are acting today in a responsible manner to assure that airports do not lose available funding.

This past June 15 the House passed H.R. 1000, the Aviation and Investment Reform Act, AIR 21, by an overwhelming vote of 316 to 110. This critically important legislation is needed to move the aviation system into the 21st Century by providing adequate long-term funding for the FAA and for the Airport Improvement Program.

Unfortunately, the other body has not been able to pass a comprehensive FAA reauthorization bill. The House approach is preferable, but with the AIP program lapsed as of August 6, a short-term extension is better than losing scarce and precious airport development dollars. But this extension should not be misread by anyone. We will continue to insist on a long-term reauthorization bill for fiscal years 2000 to 2004.

The Nation's aviation system increasingly is in gridlock. Passenger frustration is growing and airport capital needs are underfunded by at least $3 billion a year. We have to ensure long-term funding and a management reform plan for the FAA to address these problems, as we have already done in legislation crafted by the chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER) and the chairman of the Subcommittee on Aviation, the gentleman from Tennessee (Mr. DUNCAN).

It is appalling that we have reached a situation of gridlock when there are aviation revenues unused in the Aviation Trust Fund, specifically, as the chairman already cited, $290 million for AIP. I understand the concerns that have been expressed that the FAA may be unable to issue grants by the end of the fiscal year. The reason for that is language in the manager's statement in the conference report for an emergency supplemental appropriations bill passed in the spring of 1998.

In that report, the managers directed the Department of Transportation to notify the Committee on Appropriations not less than 3 business days before any AIP grant is announced by the department. If that requirement is imposed on the pending bill, it may not be possible to make all grants authorized by this legislation before the end of the fiscal year, after which, of course, the funds will no longer be available.

As a matter of law, we do not believe that the discussion in the conference report on the fiscal year 1998 supplemental emergency supplemental appropriations bill imposes any requirement with respect to funds authorized for fiscal year 2000 by the pending bill. The Committee on Appropriations does not have jurisdiction to impose permanent conditions applying to funds made available in the future. Had the Committee on Appropriations attempted to impose a permanent requirement of prior notice through legislative language, that language would have been subject to a point of order under rule XXI, clause 2, of the rules of the House.

To resolve any questions about this matter, I state affirmatively that it is the intention of the pending bill that grants be made as promptly as possible and that the announcement of grants not be delayed for the purpose of giving prior notice to any Congressional committee.

I look forward to working with my colleagues and with the other body to get agreement on a long term reauthorization bill.

I also want to express my strong concern over aviation provisions in the DOT appropriations bill passed by the other body. If these provisions are included in the bill reported from conference, I will have difficulty supporting that bill.

My greatest concern is that the bill passed by the other body includes legislative earmarks for airport development projects.

This is a dangerous precedent. We have never done so in House authorization bills in aviation. We have objected to any such language in appropriations bills. Until now our airport development funds have been allocated by safety professionals in the Department of Transportation. These officials are in the best position to make objective decisions as to where limited Federal funds should be invested for the maximum benefit, for the safety and efficiency of our airport and air traffic control system.

Our aviation system is a complex national interrelated system. Its development must be managed by officials who have the big picture in mind and who understand these interrelationships.

Although the bill passed by the other body has only a few legislative earmarks, some might argue, I would state that it is a dangerous precedent which should be ended now. Our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and I have both expressed these concerns in a letter to the appropriations conferees, and I take this opportunity to reaffirm that letter and to stand firm against this very bad and very dangerous precedent.

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

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

Mr. Speaker, I would like to, because of the necessity for fast action on this, request that the clerks expedite their processing of the papers in regard to this legislation, and I urge support of all of my colleagues for this very worthwhile and important legislation in regard to our Nation's airports.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the Senate bill, S. 1637.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1637 and include extraneous material.

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

There was no objection.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

''SHOELESS'' JOE JACKSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DEMINT) is recognized for 5 minutes.

Mr. DEMINT. Mr. Speaker, as my colleagues know, I have introduced a resolution in the House honoring ''Shoeless'' Joe Jackson for his baseball accomplishments. I know most baseball fans are familiar with his story. It has been portrayed in recent movies, including Field of Dreams and Eight Men Out. Most sporting shows and magazines, including Sports Illustrated, ESPN and Fox News, have done stories on it.

The people of my district are very familiar with Shoeless Joe, since he grew up playing baseball in the mill leagues of Greenville, South Carolina, and he spent the last years of his life there as well.

Throughout his life, he never tired of teaching kids to play the game he loved. There is even a baseball park named after him in Greenville, where kids play today.

For those unfamiliar with Shoeless Joe, let me briefly outline his legendary accomplishments. Of his hitting, Babe Ruth once said, ''I decided to pick out the greatest hitter to watch and study and Jackson was good enough for me.'' Joe Jackson batted .408 in his rookie year, a feat which has never been equaled. He has the third highest batting average of all time, behind only Ty Cobb and Roger Hornsby. Over a 10-year period, he never hit below .300. His fielding skills in the outfield were legendary. His glove was named ''the place where triples go to die.''

My colleagues probably also know that Shoeless Joe Jackson is famous, or infamous, for allegedly taking part in the fix of the 1919 World Series. In

that series, a group of New York gamblers bribed a number of players on the Chicago White Sox team to throw the series to Cincinnati. When the news came out in 1920, the new commissioner of baseball, Commissioner Landis, acted swiftly. In a summary judgment, without an investigation, the commissioner banned eight players on the White Sox team from ever playing baseball again. Shoeless Joe was included in the ban.

I am not going to debate whether or not the commissioner's verdict was the right thing to do. Jackson was acquitted of participating in the fix twice, once in 1920 by a friendly Chicago jury and once in 1924 by an impartial jury in Milwaukee. In fact, the jurors in Milwaukee were asked in a special interrogatory whether Shoeless Joe conspired or participated to fix a Series. The jury answered with an emphatic no.

I am also not going to debate if Jackson was given money. According to the story, Shoeless Joe's roommate Lefty Williams left $5,000 for Jackson on his bed. Whatever the debate, there are four things that are very clear. First, Shoeless Joe tried to give the money back before the Series started, but was rebuffed.

Second, Shoeless Joe tried to inform the owners of the White Sox of the fix, but the owner refused to see him.

Third, Shoeless Joe offered to sit out the Series but was again rebuffed.

Fourth, and most notably, Shoeless Joe played to win. He led all players by hitting .375, and he had the only home run of the Series. His fielding was flawless, throwing out five men at home plate. He set a World Series record with 12 hits and combined with Buck Weaver, the other player who was unfairly punished, for 23 hits, a record which has stood for 60 years.

I have no doubt of Shoeless Joe's innocence. While it is to his discredit that he took the money, he did nothing for the money. In the end, he came clean the only way he could, with his bat and glove.

In July, Ted Williams, Tommy LaSorda, and Bob Feller filed a petition with Commissioner Selig. That petition does not ask major league baseball to exonerate Shoeless Joe or to endorse his candidacy. To quote,

> Those issues are moot at this point as he served a very difficult sentence over a long period of time. The commissioner of baseball is merely asked to acknowledge that Shoeless Joe has fully paid his debt to society and the game, that he satisfied the sentence of the first commissioner with dignity and humility and without rancor. Because he has fulfilled his sentence, baseball has no further call or jurisdiction over Shoeless Joe.

I rise in strong support of this petition. It provides major league baseball with a graceful and dignified way to finally let the issue rest and let Shoeless Joe receive the honor he has long deserved.

In closing, Mr. Speaker, on his death bed, Shoeless Joe said, ''I am about to meet the biggest umpire of them all and He knows I am innocent.''

Fifty years after his death, it is time for baseball to restore the honor of this good man. I invite all of my colleagues to join me in cosponsoring House Resolution 269 honoring Shoeless Joe for his outstanding accomplishments in baseball. Let us do our part.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FILIPINO WORLD WAR II VETERANS DESERVE OUR RESPECT AND OUR THANKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, in April of 1999 I was proud to join the distinguished chairman of the House Committee on International Relations, the gentleman from New York (Mr. GILMAN), in introducing H.R. 1594, the Filipino Veterans' Benefit Improvement Act.

I rise today to urge my colleagues to support this legislation. Preliminary steps have already been taken toward restoring fairness to the veterans of World War II who are of Filipino descent. In 1996, Members of this House and our colleagues in the Senate passed concurrent resolutions to recognize these brave veterans for their service and contribution toward the successful outcome of World War II.

In October of 1996, President Clinton issued a presidential proclamation recalling the courage, the sacrifice, and the loyalty of the Filipino veterans of World War II and honoring them for their contribution to our freedom. Hearings have been held in both the House and the Senate on the issue of benefits for Filipino World War II veterans; and the President included a line item in both FY 1999 and FY 2000 presidential budgets for Filipino World War II veterans.

Then just 3 months ago, the Filipino Veterans' SSI Extension Act, H.R. 26, was incorporated into H.R. 1802, which passed this House. This bill will allow Filipino World War II veterans who are currently on SSI and living in the United States to return to the Philippines if they wish to do so, taking a portion of their SSI with them. Many are currently living alone and in poverty, financially unable to bring their families to the United States, nor to return to their homeland.

Most importantly, H.R. 1802 will allow those who wish to return to the Philippines to be with their loved ones in their final days, but it also saves the U.S. Government money, money that could be used to balance the costs of the bill that the gentleman from New York (Mr. GILMAN) and I have introduced, the Filipino Veterans' Benefits Improvement Act.

These actions are important first steps in our quest for justice and equity. Now is the time to build upon these steps and restore the benefits that Filipino World War II veterans were promised when they were drafted into military service by President Franklin D. Roosevelt. With their vital participation so crucial to the successful outcome of this war, one would assume that the United States would be grateful to their Filipino comrades. So it is hard to believe that soon after the war ended, the 79th Congress voted to take away the benefits and recognition of Filipino World War II veterans in what was called the Rescissions Act of 1946.

The gentleman from New York (Mr. GILMAN) and I, along with 209 cosponsors of last year's Veterans Equity Act, are now asking our colleagues to correct this injustice that these veterans have endured for over 50 years.

Because the Filipino World War II veterans are in their seventies and eighties, their most urgent need is for health care. Our bill that we have introduced will provide access to VA medical facilities for these veterans, both in the United States and in the Philippines. We have designed the bill so that it will also provide greater access to VA medical facilities in the Philippines for U.S. veterans who are living abroad. In addition, the bill will also increase the service-connected disability compensation from what is called the peso rate to the full dollar amount for Filipino World War II veterans living in the United States, as called for in the President's budget.

The rationale for a lower payment simply does not exist for the veterans who are now U.S. citizens. All this can be achieved, Mr. Speaker, for $36 million a year. This should be included in our final budget negotiations. I would urge my colleagues to support this cost-effective humanitarian measure.

Taken together, these acts are the steps we must take during this session of Congress on behalf of our brave colleagues who serve side by side with the forces from the United States. The House has passed the SSI Extension Act. Let us now join together in a bipartisan effort to restore health benefits to the Filipino World War II benefits.

Let us pass H.R. 1594, the Filipino Veterans' Benefits Improvement Act.

THE NUTRACEUTICAL RESEARCH AND EDUCATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, tomorrow I am introducing the Nutraceutical Research and Education Act which I am going to call the NREA. Many of

my colleagues may recall the debate and vigorous campaign that led to the passage of the Dietary Supplement Health and Education Act of 1994. With the passage of that legislation 5 years ago, the use of alternative medicines, dietary supplements, functional food products, and medical foods has exploded.

Since the Dietary Supplement Health and Education Act was enacted, consumers have flocked to their health food stores and most recently to their drug stores, grocery stores and the Internet to buy products that can keep them healthy. The food and pharmaceutical industries took notice hoping to realize the profits gained by entry into this growing market. The food industry responded by developing novel food products called functional foods. Pharmaceutical and dietary supplement companies have begun calling some of their products nutraceuticals, reflecting their claims for nutrients with targeted health and medical benefits.

Despite this impressive growth, the true health benefits of dietary supplements and functional foods have not been fully explored.

Congress must, Mr. Speaker, in my opinion, as a matter of public policy, encourage the scientific and clinical study of dietary supplements and functional foods. Towards this objective we have created the National Center for Complementary and Alternative Medicine at the NIH and the Office of Dietary Supplements. However, much still needs to be done. Many individuals and companies that would like to clinically research their products have encountered numerous barriers along the way; and the market is such that if I tested and developed a product, often a nonpatentable product or difficult-to-patent product, someone else who has not invested time and money in clinical research can come in and develop an equivalent or similar product to mine.

The time has come for Congress to step forward and encourage a research-based dietary supplement and functional food industry. We must do this to protect the people by ensuring these products are safe and effective. Congress can help bring order to the marketplace with the creation of the proper incentives. The answer is a public-private partnership to get these products researched.

I propose, in introducing this bill, the Nutraceutical Research and Education Act, to reward the individuals and companies doing the clinical research on these products with an exclusive marketing claim. In doing so, we will give the term ''nutraceutical'' a legal definition and classification.

Under the bill, anyone who chooses to engage in clinical research of a natural product and determines that a health benefit exists and that that product is safe and effective to achieve this health benefit can apply to the FDA for a ruling that their product does what they claim. The FDA would then determine the merits of the application and decide whether the product does, in fact, offer a health benefit at a low risk. If so, the person would be rewarded for doing the hard work with an exclusive right to use the health claim they have proven for a period of 10 years.

In this way, we can redirect advertising dollars into research, encourage private enterprise and provide the public with safe and effective, lower-cost and lower-risk nutraceutical products.

Mr. Speaker, I want to stress to my colleagues that my legislation does not supplant the Dietary Supplement Health and Education Act. That legislation was a watershed for the natural products industry. It protects access to products and permits some claims to be made. My legislation just takes us a step further down the road to encourage clinical research and the truthful dissemination of the results of that research to provide the American people access to these products.

Until there is a structure in place to investigate and develop dietary supplement and functional food products and prove their worth, the majority of health professionals will not recommend them, but patients will continue to take them. The NREA will make available a mechanism whereby these products are tested for quality and safety to give the people access to proven health remedies, to enable self-care.

Ultimately, Mr. Speaker, I believe the result will be cost effective, less sickness, more health, more productivity and a healthier population and industry.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, Hurricane Floyd took lives, in fact 47 lives we know to date. It also took lifetimes of family possessions and family history. Lives cannot be recovered but, with effort, lifetimes can be restored. At least 35,000 lifetimes, family possessions and family history, must be restored.

Infrastructure, built over lifetimes, was destroyed, leaving losses that are currently reaching $80 million and the numbers are growing.

At least 10 bridges are severely damaged and many more, some still underwater, were structurally damaged. At least 600 pipelines were damaged. Electricity costs are $1 million and growing. In addition, some $30 million in revenue has been lost. 1.2 million persons lost power due to the storm and close to 10,000 remain today without electricity. Drinking water and waste water treatment systems sustained untold damage. Bacteria, nitrates, and other pollutants have contaminated many wells. Many septic tanks are nonfunctional and due to high water tables will not be functional for some time. Agricultural losses, compounding previous losses from the drought and economic downturn and other natural calamities, will reach $1 billion and that number is growing.

Small farm life is seriously threatened in North Carolina. Significant beach erosion has occurred.

□ 1930

Shrimp and blue crab harvests, previously predicted to be at record levels, have been completely wiped out. Fish and shellfish losses are unknown.

If things could not be worse, there are millions of gallons of raw sewage and animal waste, with more than a million dead farm animals contaminating waters that flow into the homes, businesses, and drinking supply. Insects and rodent activity is on the rise.

Mr. Speaker, Hurricane Floyd left in his wake, the worst flooding in the history of the State of North Carolina. The serious health concerns underscore the value and the importance of a program that is being developed at some of our education institutions in the State of North Carolina.

A program termed ''Agromedicine'' has brought some of our diverse university cultures together with communities to prevent injury and illness and to promote the health and safety of our rural residents.

Agriculture in North Carolina is a significant part of our economy. Agriculture is a $45 billion a year industry, employing 21 percent of the State's work force. Even without hurricane and flooding, farming, forestry, and fishing in North Carolina can be hazardous. The costs can be great. On average, 50 persons per year die in agricultural-related activities, and 2,000 are disabled. The annual costs of health care in North Carolina farm-related injury exceeds $195 million.

I am proud that North Carolina is taking a national leadership in Agromedicine through the newly-established Agromedicine Institute. I congratulate the three universities involved, East Carolina State University with its medical school, its nursing and allied health expertise; North Carolina A&T State University with its agriculture, technology, nursing expertise; and North Carolina State University with its agriculture, forestry, natural resources, life sciences, and veterinary medical expertise.

Mr. Speaker, those who grow and harvest the products that provide our food, our clothing, and shelter deserve our support in addressing the continued hazards of health and safety. The Agromedicine Institute is one means of providing that support.

The devastation of Hurricane Floyd will one day become history, a mere memory in the minds of those who are suffering through it now. Possessions will, once again, be collected. North Carolina will be rebuilt, restored, and recovered. Agromedicine can be a lifetime. We urge consideration of this program.

TRIBUTE TO CHARLES HILLARD BLACKBURN

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I come tonight with a sad heart. A very close and dear friend of mine, Chuck Hillard Blackburn passed away last week at the age of 83. I was saddened, Mr. Speaker, because I was here doing the people's business in the people's House, that I was unable to go to pay my respects to such a fine American.

There was something about Chuck that was very unusual. Chuck was a Republican. He loved being in the Republican Party. But after he met me and he joined forces with me, he changed his affiliation from the Republican Party to the Democratic Party and started working with me in my endeavors as I started early on running for the Carson City Council, on to the State legislature, and then here to Congress.

In all three of those runs, Mr. Speaker, he was there for me. He managed my office. He made sure that the phone banks were covered. One could not have found an any more endearing person than Chuck Blackburn.

Chuck often spoke about growing up in his State of Ohio, City of Springfield and, as a boy, how he enjoyed being with his father fishing and doing some of the great things that boys and fathers have a great relationship with. Then he moved to California. Again, enjoying his grandchildren, he did some of those same things that he had done with his father with his grandchildren.

But I do not want to ignore the fact that Chuck served this country in three wars. A great veteran he was, always giving patriotism to this country, having served it very well.

During his 27 years in the military, he often talked about the many strides and struggles and the many times that he had to go on the battlefield. But he did not regret, not a single bit of it, because he loved this country. Chuck Blackburn was an American who absolutely felt that being an American was the greatest thing in the world.

Then after coming out of the military, having served for 27 years, he became a manager with the Kelly Services and was the manager there for 10 years, after which he began to just do voluntary things there in the city of Carson.

That is when he joined forces with me. From that point on, he was my friend, my devoted constituent, my really true trustworthy friend whom I could always depend on as I ran the campaigns.

He was in the La Bon Temps social club, and it was a club where men would dress each year in their fine after-6 attire and have ballroom dancing and parties. He was known as a guy who was very soft on his feet or very smooth on his feet. He did the ballroom dancing like no one could. I can see him now with his tall slinky body, handsomely dressed in this tux, waltzing across the floor with his wife Eugenia, a great man, handsome man, a very great American.

He attended the church of the Holy Communion with his wife, Eugenia, for many years. They were married some 24 years. In their years of marriage, they sought to have all of their grandchildren baptized here at the Church of the Holy Communion. Upon his death, that church was the place in which a memorial service was done for him.

We will miss Chuck, a great guy, a true friend, a great American, a great patriot. But the one thing that I can say for him, that he loved this country. He loved the people, his neighbors, and he loved this congresswoman. I certainly cannot say enough for the fine gentleman he was. I will sorely miss him as we gear up for this election come the year 2000. But I know wherever Chuck is now, and I certainly will presume he is in heaven or assume he is, that he is saying, ''Now, you just go girl, because you have got to win this reelection. I am going to be there in spirit to make sure that those phone banks are covered, that those who come to volunteer will sign in, and that you will have victory come November of the year 2000.'' Good-bye Chuck.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

(Mr. SHOWS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LAND MINES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I rise today to urge my colleagues to support increased investment in assistance to persons affected by land mines.

As many of my colleagues are aware, Her Majesty Queen Noor of Jordan will be making her first official visit to Capitol Hill tomorrow in her capacity as International Patron of the Land Mine Survivors Network to bring awareness to the devastation caused by land mines around the world.

More than 60 countries are infested with land mines and have the potential of killing or maiming innocent civilians, male and female, adult and child. Every 20 minutes, another life is devastated by a anti-personnel Land Mine.

Designed to maximize suffering and terrorize populations, land mines are truly indiscriminate weapons of mass destruction in slow motion. They cannot tell the difference between the footfall of a soldier or a child at play.

Although the cost of producing a Land Mine is as little as $3, the injuries suffered by innocent civilians cannot be cured with a price tag. More than 80 percent of Land Mine victims are civilians who must deal with the physical, psychological, and social ramifications of being prey to the damage of a Land Mine.

The proliferation of mines is a global and man-made epidemic. It is also an American problem, having affected more than 100,000 Americans. One such American is Jerry White, co-founder of the Land Mine Survivors Network. While traveling as a college student in Israel, Jerry stepped on a Land Mine, lost his leg, and joined the ranks of the more than 300,000 and growing Land Mine survivors.

Unlike Jerry, however, fewer than 10 percent of Land Mine victims have access to proper medical treatment and rehabilitation. Even fewer have the necessary support to effectively return to the social and economic mainstream.

I urge my colleagues to support the efforts of Queen Noor, Jerry White, and the Land Mine Survivors Network to bring awareness to this important issue and to provide a voice to those survivors who do not have the opportunity or ability to speak for themselves.

Let us walk into the next century, Mr. Speaker, with honor and hope for a Land Mine-free world. Let us work together to ensure that all countries offer the support and tools needed for persons injured by antipersonnel mines to reclaim their lives and become productive and contributing members of our society.

SENIOR CITIZENS NEED ACCESS TO AFFORDABLE PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Arkansas (Mr. BERRY) is recognized for 60 minutes as the designee of the minority leader.

Mr. BERRY. Mr. Speaker, this evening, I rise to address this House because our senior citizens can no longer afford the prescription drugs that they need to have a decent life. That is the simple truth.

PhRMA, the Pharmaceutical Research Manufacturers of America, has formed a bogus consumer group called Citizens for Better Medicare and hired a Republican ad agency to front a $20 million to $30 million campaign to distort the truth about prescription drugs and senior citizens.

The American Association of Retired Persons spokesperson was right when he told the New York Times ''This phony coalition created and financed by the pharmaceutical industry is what we have come to expect from the drug companies over the last decade.''

□ 1945

Fundamentally, they are in favor of the status quo, which leaves millions of

older Americans without drug coverage. Helping our senior citizens is a moral issue, and the American public is not going to roll over for $30 million.

Last week, the Citizens for Better Medicare released a study claiming the administration's proposal to provide seniors with prescription drug coverage could lead to employers dropping prescription drug benefits for retirees. However, pharmaceutical manufacturers have been leading the way in increasing prices and forcing employers to stop offering retiree prescription drug benefits. From 1981 to 1999, the cost of prescription drugs increased by 306 percent, while the Consumer Price Index rose only 99 percent.

The cost of prescription drugs continues to skyrocket. The Health Care Financing Administration reports that spending for prescription drugs rose 14.1 percent in 1997, compared to a 4.8 percent increase for health care services overall.

The members of PhRMA are by far the most profitable companies anywhere. Their profits exceed the research and development costs for most large pharmaceutical companies. The drug companies' report claims that employers who currently provide prescription drug benefits for retirees could choose to quit offering the benefit and save money by paying the former employees' Medicare premiums for prescription drugs. However, the proposal that they are criticizing would subsidize employers for continuing to offer their employees a private sector benefit.

There is also nothing forcing employers to offer retiree health benefits, including prescription drugs, to retirees now. And if those benefits have more value than a Medicare benefit, they will have the same incentives to continue offering the benefit. What the pharmaceutical companies are not telling senior citizens is that their doomsday scenario is already becoming a reality because of their own actions.

The fictional character the drug companies have invented for their ads, called Flo, says she has a private sector drug benefit as part of her retirement plan. In real life, only 24 percent of the population on Medicare has meaningful private sector coverage for prescription drugs.

Between 1994 and 1998, 25 percent of the firms that offered health benefits to their retirees quit providing coverage. It just cost too much. Among the largest employers, companies that employ more than 5,000 people, over a third have dropped coverage. One of the most significant reasons employers are dropping coverage is that they can no longer afford to pay the increasingly high cost manufacturers charge for prescription drugs.

Short of that, it is critical that they have access to prescription drugs at a reasonable price. The senior citizens in the District that I am fortunate to represent, and in every district, know that they are simply being robbed. Senior citizens across the country expect every Member of Congress to address this situation.

Drug companies say uninsured Americans should pay twice as much as their preferred customers and considerably, two to three times as much, more than people in other countries so the international drug companies located in America will continue to invest in research and development. We know we have to have research and development.

The high prices they charge Americans make them the most profitable industry in the world. The industry's profits as a percent of sales are nearly five times, five times, that of the average Fortune 500 company. I have a chart here this evening that shows what percent of various countries' health care expenditures go to developing new prescription medications. The United States is not at the top of the list, as my colleagues can see. The United Kingdom, Japan, France, Italy, and Germany all invest more than the United States in developing new prescriptions.

Addressing the issues of cost and affordability for prescription drugs, as well as finding a reasonable approach to offering drug coverage to Medicare recipients, are important priorities. Pharmaceutical companies need to stop throwing money away creating fictional characters and invest more in creating legitimate new medicines. The American public and this Congress are simply not for sale. We are going to do everything we can to ensure that our senior citizens are treated fairly.

It is absolutely amazing, Mr. Speaker, that this has continued; that we have placed our senior citizens, so many of them, in a position where they have to make a decision whether or not to buy food or buy their medicine on a daily basis. If it just cost that much, then so be it. But the fact is our senior citizens in this country are charged two to three times as much as anyone else in the world for this medicine. We are simply allowing the pharmaceutical manufacturers to take advantage of our senior citizens and, Mr. Speaker, it is time to stop.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to join my Colleagues this evening for this special order on Prescription Drug Coverage. I am an original cosponsor of H.R. 664, the Prescription Coverage for Seniors Act and I participated in an event a few weeks ago in Houston to release an international study on the high costs of prescriptions in the Houston area.

This issue is very important to everyone, not just senior citizens. We all know at least one person who has had difficulty obtaining prescriptions due to the cost. Senior citizens happen to be the most vulnerable.

In addition to the legislation that has been introduced here in Congress, there is the President's proposal to reform Medicare that includes a prescription drug component. These proposals have been under attack recently by the ad campaign that features a woman named "Flo."

These Flo ads are misleading because they give the impression that Flo is a concerned senior citizen. She falsely accuses these proposals of interfering in her medicine cabinet—that big government just won't leave her alone.

Although these adds are convincing, they are untrue. The problem is not big government in people's medicine cabinets. The problem is the insurance industry, the largest and most profitable industry in the country. This industry has put these ads out there to fool people into believing that they are not the problem.

These ads may be convincing to some, but many people understand the importance of some form of prescription drug coverage. We know that there are people who do not have insurance at all and prescription coverage would at least help them to have access to beneficial medication.

As I stated earlier, this is a major problem for the elderly, but this is also a major concern for people who have become disabled. My office received a call today from a woman who worked for many years as a teacher before she was stricken with cancer. She had insurance coverage through her husband's plan, but she was dropped shortly after he passed away.

In addition to the agony of battling cancer, she also has congestive heart failure. She was prescribed medication for these conditions, but unfortunately, she cannot afford them.

She called my office because she hoped to offer her story as a human account of the lack of coverage for prescription drugs. She hopes that her story will spur us to action before it is too late.

Although this woman is not a senior citizen, she is disabled and is unable to work. Her insurance company dropped her from coverage and she has had to struggle to get her prescriptions. This situation should not occur in the United States.

In this country, no one should have to make the choice to live without life-saving prescription drugs. We have the resources to ensure that people eat every day, so there is no reason why we have citizens who live at the mercy of the insurance industry.

We have created some of the best medications and treatments in the world, but if our citizens cannot afford them, then these treatments are useless.

Again, I would like to thank my Colleagues for sponsoring this special order tonight. It is important that we tell the American people the truth about the "Flo" ad campaign.

More importantly, it is important for us to hear the stories of Americans who have had to made agonizing decisions about living with the fear of further illness or even death because of the high cost of prescription drugs.

The proposals that provide for prescription drug coverage, such as H.R. 664 and the President's plan need serious attention if we are committed to an enhanced quality of life for seniors and the disabled. I urge my Colleagues to support these lifesaving measures for our most vulnerable citizens.

GENERAL LEAVE

Mr. BERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the topic of my special order.

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Is there objection

to the request of the gentleman from Arkansas?

There was no objection.

SENIOR CITIZENS ARE MOST AFFECTED BY HIGH COST OF PRESCRIPTION MEDICATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise tonight to talk about a problem that affects millions of seniors across this country and, in fact, millions of other people as well. I am talking about those people who do not have prescription drug coverage. No insurance for their prescription drugs.

This problem affects seniors more than others, because although seniors make up 12 percent of the population, they buy 33 percent of all prescription drugs. And studies done in my district in Maine and, indeed, around the country, in approximately 65 to 70 districts, have shown, on average, that seniors pay twice as much for their prescription medications as the drug companies' favored customers.

Well, who are the favored customers? The favored customers are HMOs, big hospitals and, in fact, the Federal Government, buying either for those who are on Medicare or for veterans, who get their drugs through the Veterans Administration. That price discrimination has to stop. That price discrimination is making it impossible for many seniors to take the drugs that their doctors tell them they have to take.

What we have in this country now is a situation where many seniors are having to choose between food on the table, the electric bill, the rent, and taking the prescription drugs that their doctors have given them. So some people are taking one pill out of three. Some people are not taking their prescription medications at all.

I have had a couple of women write to me and say, I do not want my husband to know, but I am not taking my prescription medication because he is sicker than I am and we cannot both afford to take our medications. That should not happen in this country, but it happens because under Medicare there is no coverage for prescription drugs.

In fact, 37 percent of all seniors have no coverage at all for their prescription drugs. Twenty-eight percent have some form of private coverage through a retiree plan, but that number is declining and will decline further. About 8 percent have coverage through medigap, but medigap policies are expensive and often are really not worth the coverage. Seventeen percent have coverage under Medicare managed care. But, frankly, the managed care prescription drug benefits are being cut back, people are being dropped from the rolls, and the benefit, where it still exists, is more expensive than it used to be.

Now, what is happening? I have a bill that would lower the cost of prescription drugs for the elderly. It is H.R. 664, called the Prescription Drug Fairness For Seniors Act. It does not cost the Federal Government any significant amount of money and creates no new bureaucracy, but it would reduce the prices by as much as 40 percent.

There are those out there attacking both my discount plan and the President's plan for a prescription drug benefit under Medicare. There are ads. This is a picture of Flo. Flo is appearing in newspaper ads and she is also appearing in television ads. Who is paying for the ads that Flo brings? Well, something called Citizens for Better Medicare. Well, who are Citizens for Better Medicare? What a great name. It is the pharmaceutical industry primarily. The drug manufacturers. What they are telling us all is that we need to keep the government out of the medicine cabinet, but in fact what they are really trying to do is make sure that their profits continue.

This is the most profitable industry in the country, and it spends its money, millions of dollars, $30 million, to try to persuade people that what they really want is a program that will continue the high prices that people pay for Medicare.

Now, Flo, of course, is a fake. She is an actress. She is not a real person. There are lots of real people in my district who are having trouble paying for their prescription drugs, but Flo is one of the 28 percent, arguably, who actually have prescription drug coverage.

□ 2000

But she feels no compunction, her pharmaceutical manufacturer sponsors feel no compunction in trying to make sure that the 37 percent with no coverage at all do not get any further breaks. It is outrageous.

There is price discrimination going on in this industry against seniors right now. It needs to stop. Flo says, ''We don't want big government in our medicine cabinet.'' But without the Food and Drug Administration, we could not be sure that the drugs in the medicine cabinet are safe and effective. Without the government, people on Medicaid would have no drugs in the medicine cabinet at all. So the poorer people in this country are getting their prescription drugs paid for but people who are just above the poverty line are not. They are the people who often have several hundred dollars a month in prescription drug costs and they cannot do it.

We need to pass H.R. 664, the Prescription Drug Fairness for Seniors Act. We need to resist what Flo is trying to say. We need to stop big money in politics.

CONFERENCE REPORT ON H.R. 2606, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

Mr. CALLAHAN (during the special order of Mr. OWENS) submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. 106–339)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

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

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $759,000,000 to remain available until September 30, 2003: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2018 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2000, 2001, 2002, and 2003: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or

any agency or national thereof: Provided further, That in section 3(c)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(6)) strike ''October 1, 1999'' and insert ''March 1, 2000'': Provided further, That none of the funds appropriated under this heading may be obligated for any direct loan, loan guarantee, or insurance agreement in excess of $10,000,000 unless the Committees on Appropriations and Committees on Banking are advised in writing 20 days prior to each such proposed obligation, which shall be treated by the Committees as a reprogramming notification: Provided further, That the previous proviso shall be effective for such obligations until March 1, 2000.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $25,000 for official reception and representation expenses for members of the Board of Directors, $55,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $35,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2000 and 2001: Provided further, That such sums shall remain available through fiscal year 2008 for the disbursement of direct and guaranteed loans obligated in fiscal year 2000, and through fiscal year 2009 for the disbursement of direct and guaranteed loans obligated in fiscal year 2001: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account: Provided further, That funds made available under this heading or in prior appropriations Acts that are available for the cost of financing under section 234 of the Foreign Assistance Act of 1961, shall be available for purposes of section 234(g) of such Act, to remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,000,000, to remain available until September 30, 2001: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2001, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2000, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $715,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; and (7) up to $98,000,000 for basic education programs for children: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance for health and child survival programs, except that funds may be made available for such assistance for ongoing health programs.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,228,000,000, to remain available until September 30, 2001: Provided, That of the amount appropriated under this heading, up to $5,000,000 may be made available for and apportioned directly to the Inter-American Foundation: Provided further, That of the amount appropriated under this heading, up to $14,400,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $2,500,000 may be transferred to ''International Organizations and

Programs'' for a contribution to the International Fund for Agricultural Development (IFAD): Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the funds appropriated under this heading not less than $500,000 should be made available for support of the United States Telecommunications Training Institute: Provided further, That, of the funds appropriated by this Act for the Microenterprise Initiative (including any local currencies made available for the purposes of the Initiative), not less than one-half should be made available for programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans.

CYPRUS

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $15,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon.

BURMA

Of the funds appropriated under the headings ''Economic Support Fund'' and ''Development Assistance'', not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $175,880,000, to remain available until expended: Provided, That the Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to providing assistance through the Office of Transition Initiatives for a country that did not receive such assistance in fiscal year 1999.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 2001.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $1,500,000, to remain available until expended: Provided, That these funds are available to subsidize loan principal, 100 per centum of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $5,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) of the Foreign Assistance Act of 1961.

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, up to $3,000,000 to be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act under the heading, ''ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES'', to remain available until expended, as authorized by section 635 of the Foreign Assistance Act of 1961: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That for administrative expenses to carry out the direct and guaranteed loan programs, up to $500,000 of this amount may be transferred to and merged with the appropriation for ''Operating Expenses of the Agency for International Development'': Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $43,837,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $495,000,000: Provided, That, none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $25,000,000, to remain available until September 30, 2001, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,177,000,000, to remain available until September 30, 2001: Provided, That of the funds appropriated under this heading, not less than $960,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 1999, whichever is later: Provided further, That not less than $735,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 should be made available for assistance for Jordan: Provided further, That notwithstanding any other provision of law, not to exceed $11,000,000 may be used to support victims of and programs related to the Holocaust: Provided further, That notwithstanding any other provision of law, of the funds appropriated under this heading, $1,000,000 shall be made available to nongovernmental organizations located outside of the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in that country.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2001.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy

(SEED) Act of 1989, $535,000,000, to remain available until September 30, 2001, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading not less than $150,000,000 should be made available for assistance for Kosova: Provided further, That of the funds made available under this heading and the headings ''International Narcotics Control and Law Enforcement'' and ''Economic Support Fund'', not to exceed $130,000,000 shall be made available for Bosnia and Herzegovina: Provided further, That none of the funds made available under this heading for Kosova shall be made available until the Secretary of State certifies that the resources pledged by the United States at the upcoming Kosova donors conference and similar pledging conferences shall not exceed 15 percent of the total resources pledged by all donors: Provided further, That none of the funds made available under this heading for Kosova shall be made available for large scale physical infrastructure reconstruction.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(f) The provisions of section 532 of this Act shall apply to funds made available under subsection (e) and to funds appropriated under this heading.

(g) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $735,000,000, to remain available until September 30, 2001: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph: Provided further, That such sums as may be necessary may be transferred to the Export-Import Bank of the United States for the cost of any financing under the Export-Import Bank Act of 1945 for activities for the Independent States: Provided further, That of the funds made available for the Southern Caucasus region, 15 percent should be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the amounts appropriated under this heading not less than $20,000,000 shall be made available solely for the Russian Far East: Provided further, That of the funds made available under this heading $10,000,000 shall be made available for salaries and expenses to carry out the Russian Leadership Program enacted on May 21, 1999 (113 Stat. 93 et seq.).

(b) Of the funds appropriated under this heading, not less than $180,000,000 should be made available for assistance for Ukraine.

(c) Of the funds appropriated under this heading, not less than 12.92 percent shall be made available for assistance for Georgia.

(d) Of the funds appropriated under this heading, not less than 12.2 percent shall be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 9 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States national lab in administering said project.

(g) Not more than 25 percent of the funds appropriated under this heading may be made available for assistance for any country in the region.

(h) Of the funds appropriated under title II of this Act not less than $12,000,000 should be made available for assistance for Mongolia of which not less than $6,000,000 should be made available from funds appropriated under this heading: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(i)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases and child survival activities; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(j) None of the funds appropriated under this heading may be made available for the Government of the Russian Federation, until the Secretary of State certifies to the Committees on Appropriations that: (1) Russian armed and peacekeeping forces deployed in Kosova have not established a separate sector of operational control; and (2) any Russian armed forces deployed in Kosova are operating under NATO unified command and control arrangements.

INDEPENDENT AGENCY

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $235,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2001.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $285,000,000, of which $21,000,000 shall become available for obligation on September 30, 2000, and remain available until expended: Provided, That of this amount not less than $10,000,000 should be made available for Law Enforcement Training and Demand Reduction: Provided further, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during fiscal year 2000, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $625,000,000, of which $21,000,000 shall become available for obligation on September 30, 2000, and remain available until expended: Provided, That not more than $13,800,000 shall be available for administrative expenses: Provided further, That not less than $60,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $12,500,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in

section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $181,600,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least 20 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $35,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $1,500,000, to remain available until expended, which shall be available nowithstanding and other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961 (including up to $1,000,000 for necessary expenses for the administration of activities carried out under these parts), and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements with any country in Sub-Saharan Africa, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), $33,000,000, to remain available until expended: Provided, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 to the extent that limitation applies to sub-Saharan African countries shall not apply to funds appropriated hereunder or previously appropriated under this heading: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000, of which up to $1,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel: Provided further, That the Secretary of Defense shall submit to the Committees on Appropriations, no later than January 15, 2000, a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1997 and 1998.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,420,000,000: Provided, That of the funds appropriated under this heading, not less than $1,920,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 1999, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than 26.3 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 should be available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $7,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2000, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $4,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That of the funds appropriated by this paragraph up to $1,000,000 should be made available for assistance for Ecuador and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $30,495,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $330,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2000 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That not later than 45 days after the date of the enactment of this Act, the Secretary

of Defense shall report to the Committees on Appropriations regarding the appropriate host institution to support and advance the efforts of the Defense Institute for International and Legal Studies in both legal and political education: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $78,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $35,800,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $625,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $4,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $20,000,000.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,728,263, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $672,745,205.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asia Development Bank Act, as amended, $77,000,000, to remain available until expended, for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $77,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $1,000,000 for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor to the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $16,000,000.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $170,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That not less than $5,000,000 should be made available to the World Food Program: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961: Provided, That none of the funds appropriated by title II of this Act may be transferred by the Agency for International Development directly to an international financial institution (as defined in section 533 of this Act) for the purpose of repaying a foreign country's loan obligations to such institution.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations

Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 2000, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified 15 days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2000.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Child Survival and Disease Programs Fund'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Peacekeeping Operations'', ''Operating Expenses of the Agency for International Development'', ''Operating Expenses of the Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2001.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading ''Assistance for the Independent States of the

Former Soviet Union'' shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the headings ''Assistance for the New Independent States of the Former Soviet Union'' and ''Assistance for the Independent States of the Former Soviet Union'', for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2000, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Panama, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development ''program, project, and activity'' shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND DISEASE PREVENTION ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance under the heading ''Child Survival and Disease Programs Fund'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival, basic education, and infectious disease activities: Provided, That up to $1,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 526. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for ''Economic Support Fund'' may be made available to provide general support and grants for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster democracy in that country: Provided, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That notwithstanding any other provision of law that restricts assistance to foreign countries, of the funds appropriated by this Act under the heading ''Economic Support Fund'', $1,000,000 shall be made available to the Robert F. Kennedy Memorial Center for Human Rights for a project to disseminate information and support research about the People's Republic of China, and related activities.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for

those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 535. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for ''International Organizations and Programs'' in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 536. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

FUNDING PROHIBITION FOR SERBIA

SEC. 537. None of the funds appropriated by this Act may be made available for assistance for the Republic of Serbia: Provided, That this restriction shall not apply to assistance for Kosova or Montenegro, or to assistance to promote democratization.

SPECIAL AUTHORITIES

SEC. 538. (a) Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: Provided, That any

such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 540. Of the funds appropriated or otherwise made available by this Act for ''Economic Support Fund'', assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2000, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

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

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be

available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking out ''During the five-year period beginning on October 23, 1992'' and inserting in lieu thereof ''During the eleven-year period beginning on October 23, 1992''.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 556. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 557. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief ad referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 558. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof

made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

ASSISTANCE FOR HAITI

SEC. 559. (a) POLICY.—In providing assistance to Haiti, the President should place a priority on the following areas:

(1) aggressive action to support the Haitian National Police, including support for efforts by the Inspector General to purge corrupt and politicized elements from the Haitian National Police;

(2) steps to ensure that any elections undertaken in Haiti with United States assistance are full, free, fair, transparent, and democratic;

(3) support for a program designed to develop an indigenous human rights monitoring capacity;

(4) steps to facilitate the continued privatization of state-owned enterprises;

(5) a sustainable agricultural development program; and

(6) establishment of an economic development fund for Haiti to provide long-term, low interest loans to United States investors and businesses that have a demonstrated commitment to, and expertise in, doing business in Haiti, in particular those businesses present in Haiti prior to the 1994 United Nations embargo.

(b) REPORT.—Beginning 6 months after the date of the enactment of this Act, and 6 months thereafter until September 30, 2001, the President shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives with regard to—

(1) the status of each of the governmental institutions envisioned in the 1987 Haitian Constitution, including an assessment of the extent to which officials in such institutions hold their positions on the basis of a regular, constitutional process;

(2) the status of the privatization (or placement under long-term private management or concession) of the major public entities, including a detailed assessment of the extent to which the Government of Haiti has completed all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants from such facilities;

(3) the status of efforts to re-sign and implement the lapsed bilateral Repatriation Agreement and an assessment of the extent to which the Government of Haiti has been cooperating with the United States in halting illegal emigration from Haiti;

(4) the status of the Government of Haiti's efforts to conduct thorough investigations of extrajudicial and political killings and—

(A) an assessment of the progress that has been made in bringing to justice the persons responsible for these extrajudicial or political killings in Haiti; and

(B) an assessment of the extent to which the Government of Haiti is cooperating with United States authorities and with United States-funded technical advisors to the Haitian National Police in such investigations;

(5) an assessment of actions taken by the Government of Haiti to remove and maintain the separation from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights;

(6) the status of steps being taken to secure the ratification of the maritime counter-narcotics agreements signed October 1997;

(7) an assessment of the extent to which domestic capacity to conduct free, fair, democratic, and administratively sound elections has been developed in Haiti; and

(8) an assessment of the extent to which Haiti's Minister of Justice has demonstrated a commitment to the professionalism of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School, and is achieving progress in making the judicial branch in Haiti independent from the executive branch.

(c) EQUITABLE ALLOCATION OF FUNDS.—Not more than 17 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 560. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1999.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term ''United States assistance'' has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 561. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term ''United States person'' refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI

SEC. 562. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 563. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 564. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members

of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 565. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the items will not be used in East Timor.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 566. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or municipality described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or municipality and a nonsanctioned contiguous country, entity, or municipality, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or municipality and if the portion of the project located in the sanctioned country, entity, or municipality is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(2) NOTIFICATION.—Every 60 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or Internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or municipality described in subsection (e), including a description of the purpose of the assistance, project and its location, by municipality.

(d) FURTHER LIMITATIONS.—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or municipality described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or municipality described in subsection (e) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) SPECIAL RULE.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provision of assistance to an entity that is not a sanctioned entity, notwithstanding that such entity may be within a sanctioned country, if the Secretary of State determines and so reports to the appropriate congressional committees that providing assistance to that entity would promote peace and internationally recognized human rights by encouraging that entity to cooperate fully with the Tribunal.

(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

(4) REPORT.—Beginning 30 days after the date of the enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(h) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or municipality upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(i) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or municipality have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(j) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term ''country'' means Bosnia-Herzegovina, Croatia, and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosova, Montenegro, and the Republika Srpska.

(3) DAYTON AGREEMENT.—The term ''Dayton Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(4) TRIBUNAL.—The term ''Tribunal'' means the International Criminal Tribunal for the Former Yugoslavia.

(k) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to

any country or entity described in subsection (e).

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF THE RUSSIAN FEDERATION SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 567. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

SEC. 568. (a) Funds made available in this Act to support programs or activities the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2000, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2001: Provided, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix: Provided further, That such report shall identify with regard to the Agency for International Development, obligations and expenditures by country or central program and activity.

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

SEC. 569. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking ''1996 and 1997'' and inserting ''1999 and 2000''.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 570. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 571. Of the funds appropriated by this Act under the headings ''Economic Support Fund'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peacekeeping Operations'', for refugees resettling in Israel under the heading ''Migration and Refugee Assistance'', and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', not more than a total of $5,321,150,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of the enactment of this Act obligated or allocated for other recipients may not during fiscal year 2000 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 572. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 573. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

CUSTOMS ASSISTANCE

SEC. 574. Section 660(b) of the Foreign Assistance Act of 1961 is amended by—

(1) striking the period at the end of paragraph (6) and in lieu thereof inserting a semicolon; and

(2) adding the following new paragraph:

''(7) with respect to assistance provided to customs authorities and personnel, including training, technical assistance and equipment, for customs law enforcement and the improvement of customs laws, systems and procedures.''.

FOREIGN MILITARY TRAINING REPORT

SEC. 575. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2000, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 1999 and 2000, including those proposed for fiscal year 2000. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 576. (a) Of the funds made available under the heading ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', not to exceed $35,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as ''KEDO''), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Of the funds made available for KEDO, up to $15,000,000 may be made available prior to June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) North Korea has not diverted assistance provided by the United States for purposes for which it was not intended; and

(5) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel.

(c) Of the funds made available for KEDO, up to $20,000,000 may be made available on or after June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the effort to can and safely store all spent fuel from North Korea's graphite-moderated nuclear reactors has been successfully concluded;

(2) North Korea is complying with its obligations under the agreement regarding access to suspect underground construction;

(3) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(4) the United States has made and is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(d) The President may waive the certification requirements of subsections (b) and (c) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees prior to his exercise of such waiver. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(e) The Secretary of State shall submit to the appropriate congressional committees a report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year 2001 request for the United States contribution to KEDO, the expected operating budget of the KEDO, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

AFRICAN DEVELOPMENT FOUNDATION

SEC. 577. Funds made available to grantees of the African Development Foundation may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on

Appropriations in advance of exercising such waiver authority.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 578. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 579. (a) DEFINITIONS.—For the purposes of this section—

(1) the term ''agency'' means the United States Agency for International Development;

(2) the term ''Administrator'' means the Administrator, United States Agency for International Development; and

(3) the term ''employee'' means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is to be separated involuntarily for misconduct or unacceptable performance, and to whom specific notice has been given with respect to that separation;

(D) an employee who has previously received any voluntary separation incentive payment by the Government of the United States under this section or any other authority and has not repaid such payment;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The Administrator, before obligating any resources for voluntary separation incentive payments under this section, shall submit to the Committees on Appropriations and the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered;

(C) a description of how the agency will operate without the eliminated positions and functions; and

(D) the time period during which incentives may be paid.

(3) APPROVAL.—The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove the plan and may make appropriate modifications in the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraphs (2) (B) through (D).

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by the agency to employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment under this section—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any employee who voluntarily separates (whether by retirement or resignation) on or before December 31, 2000;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the Government of the United States through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for the position.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) REGULATIONS.—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

IRAQ OPPOSITION

SEC. 580. Notwithstanding any other provision of law, of the funds appropriated under the heading ''Economic Support Fund'', $10,000,000 shall be made available to support efforts to bring about political transition in Iraq, of which not less than $8,000,000 shall be made available only to Iraqi opposition groups designated under the Iraq Liberation Act (Public Law 105–338) for political, economic, humanitarian, and other activities of such groups, and not more than $2,000,000 may be made available for groups and activities seeking the prosecution of Saddam Hussein and other Iraqi government officials for war crimes.

AGENCY FOR INTERNATIONAL DEVELOPMENT BUDGET SUBMISSION

SEC. 581. Beginning with the fiscal year 2001 budget, the Agency for International Development shall submit to the Committees on Appropriations a detailed budget for each fiscal year. The Agency shall submit to the Committees on Appropriations a proposed budget format no later than October 31, 1999, or 30 days after the enactment of this Act, whichever occurs later. The proposed format shall include how the Agency's budget submission will address: estimated levels of obligations for the current fiscal year and actual levels for the two previous fiscal years; the President's request for new budget authority and estimated carryover obligational authority for the budget year; the disaggregation of budget data by program and activity for each bureau, field mission, and central office; and staff levels identified by program.

AMERICAN CHURCHWOMEN IN EL SALVADOR

SEC. 582. (a) Information relevant to the December 2, 1980 murders of four American churchwomen in El Salvador shall be made public to the fullest extent possible.

(b) The Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders.

(c) The President shall order all Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible.

(d) In making determinations concerning the declassification and release of relevant information, the Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

(e) Not later than 45 days after the date of the enactment of this Act, the Attorney General shall provide a report to the Committees on Appropriations describing in detail the circumstances under which individuals involved in the murders or the cover-up of the murders obtained residence in the United States.

KYOTO PROTOCOL

SEC. 583. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of

implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 584. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking the following: ''$50,000,000 for each of the fiscal years 1996 and 1997, $60,000,000 for fiscal year 1998, and'' and inserting in lieu thereof before the period at the end, the following: ''and $60,000,000 for fiscal year 2000''.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by striking the following: ''Of the amount specified in subparagraph (A) for each of the fiscal years 1996 and 1997, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $10,000,000 may be made available for stockpiles in Thailand. Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''; and at the end inserting the following sentence: ''Of the amount specified in subparagraph (A) for fiscal year 2000, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''.

RUSSIAN LEADERSHIP PROGRAM

SEC. 585. Section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) is amended—

(1) by striking ''fiscal year 1999'' in subsections (a)(1), (b)(4)(B), (d)(3), and (h)(1)(A) and inserting ''fiscal years 1999 and 2000''; and

(2) by striking ''2000'' in subsection (a)(2), (e)(1), and (h)(1)(B) and inserting ''2001''.

ABOLITION OF THE INTER-AMERICAN FOUNDATION

SEC. 586. (a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(2) FOUNDATION.—The term ''Foundation'' means the Inter-American Foundation.

(3) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(b) ABOLITION OF INTER-AMERICAN FOUNDATION.—During fiscal year 2000, the President is authorized to abolish the Inter-American Foundation. The provisions of this section shall only be effective upon the effective date of the abolition of the Inter-American Foundation.

(c) TERMINATION OF FUNCTIONS.—

(1) Except as provided in subsection (d)(2), there are terminated upon the abolition of the Foundation all functions vested in, or exercised by, the Foundation or any official thereof, under any statute, reorganization plan, Executive order, or other provisions of law, as of the day before the effective date of this section.

(2) REPEAL.—Section 401 of the Foreign Assistance Act of 1969 (22 U.S.C. 6290f) is repealed upon the effective date specified in subsection (j).

(3) FINAL DISPOSITION OF FUNDS.—Upon the date of transmittal to Congress of the certification described in subsection (d)(4), all unexpended balances of appropriations of the Foundation shall be deposited in the miscellaneous receipts account of the Treasury of the United States.

(d) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall be responsible for—

(A) the administration and wind-up of any outstanding obligation of the Federal Government under any contract or agreement entered into by the Foundation before the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, except that the authority of this subparagraph does not include the renewal or extension of any such contract or agreement; and

(B) taking such other actions as may be necessary to wind-up any outstanding affairs of the Foundation.

(2) TRANSFER OF FUNCTIONS TO THE DIRECTOR.—There are transferred to the Director such functions of the Foundation under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the date of the enactment of this section, as may be necessary to carry out the responsibilities of the Director under paragraph (1).

(3) AUTHORITIES OF THE DIRECTOR.—For purposes of performing the functions of the Director under paragraph (1) and subject to the availability of appropriations, the Director may—

(A) enter into contracts;

(B) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(C) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

(4) CERTIFICATION REQUIRED.—Whenever the Director determines that the responsibilities described in paragraph (1) have been fully discharged, the Director shall so certify to the appropriate congressional committees.

(e) REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to the appropriate congressional committees a detailed report in writing regarding all matters relating to the abolition and termination of the Foundation. The report shall be submitted not later than 90 days after the termination of the Foundation.

(f) TRANSFER AND ALLOCATION OF APPROPRIATIONS.—Except as otherwise provided in this section, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under subsection (g)(3)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions, terminated by subsection (c)(1) or transferred by subsection (d)(2) shall be transferred to the Director for purposes of carrying out the responsibilities described in subsection (d)(1).

(g) SAVINGS PROVISIONS.—

(1) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the Foundation in the performance of functions that are terminated or transferred under this section; and

(B) that are in effect as of the date of the abolition of the Foundation, or were final before such date and are to become effective on or after such date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as otherwise provided in this section—

(A) the provisions of this section shall not affect suits commenced prior to the date of abolition of the Foundation; and

(B) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this section had not been enacted.

(3) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Foundation shall abate by reason of the enactment of this section. No cause of action by or against the Foundation, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this section.

(4) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date of the abolition of the Foundation, the Foundation, or officer thereof in the official capacity of such officer, is a party to a suit, then effective on such date such suit shall be continued with the Director substituted or added as a party.

(5) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Director in the exercise of functions terminated or transferred under this section shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Foundation immediately preceding their termination or transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this section shall apply to the exercise of such function by the Director.

(h) CONFORMING AMENDMENTS.—

(1) AFRICAN DEVELOPMENT FOUNDATION.—Section 502 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h) is amended—

(A) by inserting ''and'' at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(2) SOCIAL PROGRESS TRUST FUND AGREEMENT.—Section 36 of the Foreign Assistance Act of 1973 is amended—

(A) in subsection (a)—

(i) by striking ''provide for'' and all that follows through ''(2) utilization'' and inserting ''provide for the utilization''; and

(ii) by striking ''member countries;'' and all that follows through ''paragraph (2)'' and inserting ''member countries.'';

(B) in subsection (b), by striking ''transfer or'';

(C) by striking subsection (c);

(D) by redesignating subsection (d) as subsection (c); and

(E) in subsection (c) (as so redesignated), by striking ''transfer or''.

(3) FOREIGN ASSISTANCE ACT OF 1961.—Section 222A(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182a(d)) is repealed.

(i) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(j) EFFECTIVE DATES.—The repeal made by subsection (c)(2) and the amendments made by subsection (h) shall take effect upon the date of transmittal to Congress of the certification described in subsection (d)(4).

WEST BANK AND GAZA PROGRAM

SEC. 587. For fiscal year 2000, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to

review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

HUMAN RIGHTS ASSISTANCE

SEC. 588. Of the funds made available under the heading ''International Narcotics Control and Law Enforcement'', not less than $500,000 should be provided to the Colombia Attorney General's Human Rights Unit, not less than $500,000 should be made available to support the activities of Colombian nongovernmental organizations involved in human rights monitoring, not less than $250,000 should be provided to the United Nations High Commissioner for Human Rights to assist the Government of Colombia in strengthening its human rights policies and programs, not less than $1,000,000 should be made available for personnel and other resources to enhance United States Embassy monitoring of assistance to the Colombian security forces and responding to reports of human rights violations, and not less than $5,000,000 should be made available for administration of justice programs including support for the Colombia Attorney General's Technical Investigations Unit.

SELF-DETERMINATION IN EAST TIMOR

SEC. 589. (a) MULTILATERAL ECONOMIC ASSISTANCE.—Except as provided in subsection (c), the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) to the Government of Indonesia.

(b) BILATERAL ASSISTANCE AND LICENSES.—Except as provided in subsection (c)—

(1) none of the funds appropriated or otherwise made available by this Act or any prior Foreign Operations Appropriations Act may be made available for assistance for the Government of Indonesia.

(2) none of the funds appropriated or otherwise made available by this Act or any prior Foreign Operations Appropriations Act may be made available for licensing exports of defense articles or services for Indonesia under section 38 of the Arms Export Control Act.

(c) EXCEPTIONS.—

(1) Subsection (a) shall not apply to the provision of assistance to meet basic human needs for Indonesia or East Timor.

(2) Subsection (b) shall not apply to the provision of funds appropriated or otherwise made available to carry out chapter 1 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, or humanitarian assistance, for the Government of Indonesia or East Timor, except that such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) CONDITIONS FOR TERMINATION.—The measures described in subsections (a) and (b) shall apply until the President determines and certifies to the appropriate congressional committees that the Government of Indonesia and the Indonesian armed forces have—

(1) ended the violence by units of the Indonesian armed forces and by anti-independence militias;

(2) enabled displaced persons and refugees to return home;

(3) ensured freedom of movement in East Timor, including by humanitarian organizations;

(4) enabled UNAMET to fulfill its mandate, without threat or intimidation to its personnel;

(5) withdrawn from East Timor in accordance with a United Nations-supervised process of transferring sovereignty to an independent East Timor;

(6) cooperated fully with efforts to investigate and prosecute members of the Indonesian armed forces and anti-independence militias responsible for human rights violations in East Timor; and

(7) cooperated fully with efforts to implement the results of the August 30, 1999, vote on East Timor's political status.

MAN AND THE BIOSPHERE

SEC. 590. None of the funds appropriated or otherwise made available by this Act may be provided for the United Nations Man and the Biosphere Program or the United Nations World Heritage Fund for programs in the United States.

IMMUNITY OF FEDERAL REPUBLIC OF YUGOSLAVIA

SEC. 591. (a) Subject to subsection (b), the Federal Republic of Yugoslavia shall be deemed to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7).

(b) This section shall not apply to Montenegro or Kosova.

(c) This section shall become null and void when the President certifies in writing to the Congress that the Federal Republic of Yugoslavia (other than Montenegro and Kosova) has completed a democratic reform process that results in a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states.

(d) The certification provided for in subsection (c) shall not affect the continuation of litigation commenced against the Federal Republic of Yugoslavia prior to its fulfillment of the conditions in subsection (c).

UNITED STATES ASSISTANCE POLICY FOR OPPOSITION-CONTROLLED AREAS OF SUDAN

SEC. 592. (a) Notwithstanding any other provision of law, the President, acting through appropriate federal agencies, may provide food assistance to groups engaged in the protection of civilian populations from attacks by regular government of Sudan forces, associated militias, or other paramilitary groups supported by the government of Sudan. Such assistance may only be provided in a way that: (1) does not endanger, compromise or otherwise reduce the United States' support for unilateral, multilateral or private humanitarian operations or the beneficiaries of those operations; or (2) compromise any ongoing or future people-to-people reconciliation efforts. Any such assistance shall be provided separate from and not in proximity to current humanitarian efforts, both within Operation Lifeline Sudan or outside of Operation Lifeline Sudan, or any other current or future humanitarian operations which serve noncombatants. In considering eligibility of potential recipients, the President shall determine that the group respects human rights, democratic principles, and the integrity of ongoing humanitarian operations, and cease such assistance if the determination can no longer be made.

(b) Not later than February 1, 2000, the President shall submit to the Committees on Appropriations a report on United States bilateral assistance to opposition-controlled areas of Sudan. Such report shall include—

(1) an accounting of United States bilateral assistance to opposition-controlled areas of Sudan, provided in fiscal years 1997, 1998, 1999, and proposed for fiscal year 2000, and the goals and objectives of such assistance;

(2) the policy implications and costs, including logistics and administrative costs, associated with providing humanitarian assistance, including food, directly to National Democratic Alliance participants and the Sudanese People's Liberation Movement operating outside of the United Nations' Operation Lifeline Sudan structure, and the United States agencies best suited to administer these activities; and

(3) the policy implications of increasing substantially the amount of development assistance for democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas of Sudan and the obstacles to administering a development assistance program in this region.

CONSULTATIONS ON ARMS SALES TO TAIWAN

SEC. 593. Consistent with the intent of Congress expressed in the enactment of section 3(b) of the Taiwan Relations Act, the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for congressional input prior to making any determination on the nature or quantity of defense articles and services to be made available to Taiwan.

AUTHORIZATIONS

SEC. 594. The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the fifth general capital increase of the African Development Bank, the first general capital increase of the Multilateral Investment Guarantee Agency, and the first general capital increase of the Inter-American Investment Corporation; and (2) contribute on behalf of the United States to the eighth replenishment of the resources of the African Development Fund and the twelfth replenishment of the International Development Association. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $40,847,011 for paid-in capital, and $639,932,485 for callable capital, of the African Development Bank; $29,870,087 for paid-in capital, and $139,365,533 for callable capital, of the Multilateral Investment Guarantee Agency; $125,180,000 for paid-in capital of the Inter-American Investment Corporation; $300,000,000 for the African Development Fund; and $2,410,000,000 for the International Development Association.

WORKING CAPITAL FUND

SEC. 595. Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding a new subsection (l) as follows:

''(l)(1) There is hereby established a working capital fund for the United States Agency for International Development which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment and supplies for: (A) International Cooperative Administrative Support Services, and (B) rebates from the use of United States Government credit cards.

''(2) The capital of the fund shall consist of the fair and reasonable value of such supplies, equipment and other assets pertaining to the functions of the fund as the Administrator determines and any appropriations made available for the purpose of providing capital, less related liabilities.

''(3) The fund shall be reimbursed or credited with advance payments for services, equipment or supplies provided from the fund from applicable appropriations and funds of the agency, other Federal agencies and other sources authorized by section 607 of this Act at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

''(4) The agency shall transfer to the Treasury as miscellaneous receipts as of the close of the fiscal year such amounts which the Administrator determines to be in excess of the needs of the fund.

''(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity or agency and the proceeds shall be credited to current applicable appropriations.''.

SILK ROAD STRATEGY ACT OF 1999

SEC. 596. (a) SHORT TITLE.—This section may be cited as the ''Silk Road Strategy Act of 1999''.

(b) AMENDMENT OF THE FOREIGN ASSISTANCE OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 12—SUPPORT FOR THE ECONOMIC AND POLITICAL INDEPENDENCE OF THE COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

"SEC. 499. UNITED STATES ASSISTANCE TO PROMOTE RECONCILIATION AND RECOVERY FROM REGIONAL CONFLICTS.

''(a) PURPOSE OF ASSISTANCE.—The purposes of assistance under this section include—

''(1) the creation of the basis for reconciliation between belligerents;

''(2) the promotion of economic development in areas of the countries of the South Caucasus and Central Asia impacted by civil conflict and war; and

''(3) the encouragement of broad regional cooperation among countries of the South Caucasus and Central Asia that have been destabilized by internal conflicts.

''(b) AUTHORIZATION FOR ASSISTANCE.—

''(1) IN GENERAL.—To carry out the purposes of subsection (a), the President is authorized to provide humanitarian assistance and economic reconstruction assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

''(2) DEFINITION OF HUMANITARIAN ASSISTANCE.—In this subsection, the term 'humanitarian assistance' means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies and equipment, education, and clothing.

''(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

''(1) providing for the humanitarian needs of victims of the conflicts;

''(2) facilitating the return of refugees and internally displaced persons to their homes; and

''(3) assisting in the reconstruction of residential and economic infrastructure destroyed by war.

"SEC. 499A. ECONOMIC ASSISTANCE.

''(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to foster economic growth and development, including the conditions necessary for regional economic cooperation, in the South Caucasus and Central Asia.

''(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

''(c) ACTIVITIES SUPPORTED.—In addition to the activities described in section 498, activities supported by assistance under subsection (b) should support the development of the structures and means necessary for the growth of private sector economies based upon market principles.

"SEC. 499B. DEVELOPMENT OF INFRASTRUCTURE.

''(a) PURPOSE OF PROGRAMS.—The purposes of programs under this section include—

''(1) to develop the physical infrastructure necessary for regional cooperation among the countries of the South Caucasus and Central Asia; and

''(2) to encourage closer economic relations and to facilitate the removal of impediments to cross-border commerce among those countries and the United States and other developed nations.

''(b) AUTHORIZATION FOR PROGRAMS.—To carry out the purposes of subsection (a), the following types of programs for the countries of the South Caucasus and Central Asia may be used to support the activities described in subsection (c):

''(1) Activities by the Export-Import Bank to complete the review process for eligibility for financing under the Export-Import Bank Act of 1945.

''(2) The provision of insurance, reinsurance, financing, or other assistance by the Overseas Private Investment Corporation.

''(3) Assistance under section 661 of this Act (relating to the Trade and Development Agency).

''(c) ACTIVITIES SUPPORTED.—Activities that may be supported by programs under subsection (b) include promoting actively the participation of United States companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

"SEC. 499C. BORDER CONTROL ASSISTANCE.

''(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section includes the assistance of the countries of the South Caucasus and Central Asia to secure their borders and implement effective controls necessary to prevent the trafficking of illegal narcotics and the proliferation of technology and materials related to weapons of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code), and to contain and inhibit transnational organized criminal activities.

''(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

''(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.

"SEC. 499D. STRENGTHENING DEMOCRACY, TOLERANCE, AND THE DEVELOPMENT OF CIVIL SOCIETY.

''(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance and respect for internationally recognized human rights.

''(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia:

''(1) Assistance for democracy building, including programs to strengthen parliamentary institutions and practices.

''(2) Assistance for the development of nongovernmental organizations.

''(3) Assistance for development of independent media.

''(4) Assistance for the development of the rule of law, a strong independent judiciary, and transparency in political practice and commercial transactions.

''(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

''(6) Assistance to promote increased adherence to civil and political rights under section 116(e) of this Act.

''(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include activities that are designed to advance progress toward the development of democracy.

"SEC. 499E. ADMINISTRATIVE AUTHORITIES.

''(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

''(b) USE OF ECONOMIC SUPPORT FUNDS.—Except as otherwise provided, any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

''(c) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine.

''(d) AVAILABLE AUTHORITIES.—The authority in this chapter to provide assistance for the countries of the South Caucasus and Central Asia is in addition to the authority to provide such assistance under the FREEDOM Support Act (22 U.S.C. 5801 et seq.) or any other Act, and the authorities applicable to the provision of assistance under chapter 11 may be used to provide assistance under this chapter.

"SEC. 499F. DEFINITIONS.

''In this chapter:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

''(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term 'countries of the South Caucasus and Central Asia' means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.''.

(c) CONFORMING AMENDMENTS.—Section 102(a) of the FREEDOM Support Act (Public Law 102–511) is amended in paragraphs (2) and (4) by striking each place it appears ''this Act)'' and inserting ''this Act and chapter 12 of part I of the Foreign Assistance Act of 1961)''.

(d) ANNUAL REPORT.—Section 104 of the FREEDOM Support Act (22 U.S.C. 5814) 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''; and

(3) by adding at the end the following new paragraph:

''(5) with respect to the countries of the South Caucasus and Central Asia—

''(A) an identification of the progress made by the United States in accomplishing the policy described in section 3 of the Silk Road Strategy Act of 1999;

''(B) an evaluation of the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961 has accomplished the purposes identified in that chapter;

''(C) a description of the progress being made by the United States to resolve trade disputes registered with and raised by the United States embassies in each country, and to negotiate a bilateral agreement relating to the protection of United States direct investment in, and other business interests with, each country; and

''(D) recommendations of any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in the Silk Road Strategy Act of 1999.''.

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

SEC. 597. Section 116 of the Foreign Assistance Act of 1961 is amended by adding the following new subsection:

''(f)(1) The report required by subsection (d) shall include—

''(A) a list of foreign states where trafficking in persons, especially women and children, originates, passes through, or is a destination; and

''(B) an assessment of the efforts by the governments of the states described in paragraph (A) to combat trafficking. Such an assessment shall address—

''(i) whether government authorities in each such state tolerate or are involved in trafficking activities;

''(ii) which government authorities in each such state are involved in anti-trafficking activities;

''(iii) what steps the government of each such state has taken to prohibit government officials and other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking;

''(iv) what steps the government of each such state has taken to assist trafficking victims;

''(v) whether the government of each such state is cooperating with governments of other countries to extradite traffickers when requested;

''(vi) whether the government of each such state is assisting in international investigations of transnational trafficking networks; and

''(vii) whether the government of each such state refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards victims.

''(2) In compiling data and assessing trafficking for the purposes of paragraph (1), United States Diplomatic Mission personnel shall consult with human rights and other appropriate nongovernmental organizations.

''(3) For purposes of this subsection—

''(A) the term 'trafficking' means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purposes of placing or holding such person, whether for pay or not, in involuntary servitude, slavery or slavery-like conditions, or in forced, bonded, or coerced labor;

''(B) the term 'victim of trafficking' means any person subjected to the treatment described in subparagraph (A).''.

OPIC MARITIME FUND

SEC. 598. It is the sense of the Congress that the Overseas Private Investment Corporation shall within one year from the date of the enactment of this Act select a fund manager for the purpose of creating a maritime fund with total capitalization of up to $200,000,000. This fund shall leverage United States commercial maritime expertise to support international maritime projects.

SANCTIONS AGAINST SERBIA

SEC. 599. (a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect for fiscal year 2000, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the government of Serbia is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the government of Serbia is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the government of Serbia is implementing internal democratic reforms; and

(5) Serbian federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO AND KOSOVA.—The sanctions described in subsection (b) shall not apply to Montenegro or Kosova.

(f) DEFINITION.—The term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs.

CLEAN COAL TECHNOLOGY

SEC. 599A. (a) FINDINGS.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environment Facility, and activities funded from USAID's Development Credit Authority.

RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN THE BALKANS REGION

SEC. 599B. (a) Funds appropriated or otherwise made available by this Act for United States assistance for reconstruction efforts in the Federal Republic of Yugoslavia or any contiguous country should to the maximum extent practicable be used for the procurement of articles and services of United States origin.

(b) DEFINITIONS.—In this section:

(1) ARTICLE.—The term ''article'' means any agricultural commodity, steel, communications equipment, farm machinery or petrochemical refinery equipment.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term ''Federal Republic of Yugoslavia'' includes Serbia, Montenegro and Kosova.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 599C. (1) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under ''International Organizations and Programs'', not more than $25,000,000 for fiscal year 2000 shall be available for the United Nations Population Fund (hereinafter in this subsection referred to as the ''UNFPA'').

(2) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under ''International Organizations and Programs'' may be made available for the UNFPA for a country program in the People's Republic of China.

(3) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under ''International Organizations and Programs'' for fiscal year 2000 for the UNFPA may not be made available to UNFPA unless—

(A) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(B) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(C) the UNFPA does not fund abortions.

(4) REPORT TO THE CONGRESS AND WITHHOLDING OF FUNDS.—

(A) Not later than February 15, 2000, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(B) If a report under subparagraph (A) indicates that the United Nations Population Fund plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 599D. (a) Not to exceed $385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance.

(b) Such funds may be apportioned only on a monthly basis, and such monthly apportionments may not exceed 8.34 percent of the total available for such activities.

This Act may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000''.

And the Senate agree to the same.

SONNY CALLAHAN,
JOHN EDWARD PORTER,
FRANK WOLF,
RON PACKARD,
JOE KNOLLENBERG,
JACK KINGSTON,
JERRY LEWIS,
ROY BLUNT,
BILL YOUNG,
Managers on the Part of the House.

MITCH MCCONNELL,
ARLEN SPECTER,
JUDD GREGG,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
C.S. BOND,
TED STEVENS,
DANIEL K. INOUYE,
FRANK LAUTENBERG,
B.A. MIKULSKI,
ROBERT BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2606) ''making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000'', submit the following joint statement to the House and Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES SUBSIDY APPROPRIATION

The conference agreement appropriates $759,000,000 for the subsidy appropriation of the Export-Import Bank as proposed by the House instead of $785,000,000 as proposed by the Senate.

The conference agreement includes a provision extending until March 1, 2000, the existing authority for the Board of the Export-Import Bank to conduct business with a reduced quorum. During this period none of the funds provided under this heading may be obligated for any loan, loan guarantee, or insurance agreement in excess of $10,000,000 unless the Committees are advised in writing 20 days prior to each such proposed obligation.

OVERSEAS PRIVATE INVESTMENT CORPORATION NON-CREDIT ACCOUNT

The conference agreement provides $35,000,000 for administrative expenses of the Overseas Private Investment Corporation (OPIC) as proposed by the House instead of $31,500,000 as proposed by the Senate.

OVERSEAS PRIVATE INVESTMENT CORPORATION PROGRAM ACCOUNT

The conference agreement provides $24,000,000 for program expenses of OPIC as proposed by the Senate instead of $20,500,000 as proposed by the House.

The managers have included language allowing OPIC to use the authorities of Section 234(g) of the Foreign Assistance Act of 1961 as proposed by the House, instead of repealing said subsection as proposed by the Senate. The conference agreement also includes a general provision urging OPIC to establish within one year of enactment a maritime fund for the purpose of leveraging United States commercial maritime expertise to support international maritime projects.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

The conference agreement appropriates $44,000,000 for the Trade and Development Agency as proposed by the House instead of $43,000,000 as proposed by the Senate.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

The conference agreement appropriates $715,000,000 for the Child Survival and Disease Programs Fund instead of $685,000,000 as proposed by the House. The Senate bill contained no provision on this matter, but included funds for these activities under ''Development Assistance''. The managers agree with and endorse House report language regarding the use of funds appropriated under this heading, including $110,000,000 for a grant to UNICEF for programs consistent with the purpose of the Child Survival and Disease Programs Fund. The grant for UNICEF does not preclude AID from providing additional funding for specific UNICEF projects as may be applicable. The managers have been assured that the success of the polio eradication program is likely to result in a significantly lower requirement for this effort in future years. The managers have included $35,000,000 for a special initiative to fight HIV/AIDS in Africa. This is in addition to the $145,000,000 provided in this Fund and elsewhere in the bill for ongoing HIV/AIDS programs and at least $10,000,000 designated for children affected by the HIV/AIDS epidemic.

In implementing programs, projects, and activities to combat infectious diseases, including long-standing programs relating to malaria and measles, as well as the more recent emphasis on HIV/AIDS and tuberculosis, surveillance, and anti-microbial resistance, the conferees expect AID to continue to consult closely with the Appropriations Committees, the Centers for Disease Control, the National Institutes of Health, and other relevant agencies involved in international health issues. In addition to the increase for HIV/AIDs, funding for AID's other infectious disease programs should exceed the fiscal year 1999 level. The managers also direct AID to provide the Committees with a detailed report not later than February 15, 2000, on the programs, projects, and activities undertaken by the Child Survival and Disease Programs Fund during fiscal year 1999.

The managers are concerned about the growing crisis in Africa associated with the HIV/AIDS epidemic. Every day, 5,500 Africans die as a result of AIDS and an additional 11,000 people are newly infected with HIV. Half of the newly infected are under the age of 25. During the next few years, some estimates conclude that infant mortality will double, child mortality will triple and in many nations, life expectancy will have been reduced by twenty years as a result of HIV.

AIDS is more than a health issue. It has grave consequences for the economic development and political stability of countries throughout Africa. The managers are therefore providing an additional $35,000,000 for activities in Africa to prevent new infections, to provide basic care and treatment of people with HIV/AIDS, and to support children orphaned by HIV/AIDS.

The global health threat from tuberculosis is another priority for the funds provided in this Act. Because of difficulties encountered in implementing tuberculosis language accompanying last year's Act, the managers welcome AID's proposal to allocate $3,000,000 in fiscal year 2000 to tuberculosis control programs in Mexico, with an emphasis on cost-sharing with Mexico on programs that focus on Mexico's border states.

The managers are aware that significant new private resources are now available to augment AID's immunization programs, and commend the partners in this effort. Consequently, the managers direct that core child survival activities focus on effective interventions to reduce infant mortality during the first month of life through activities that focus on the health and nutrition needs of pregnant women and new mothers, a vital aspect of child survival that has not yet attracted sufficient private funds. The managers also support expansion of core child survival programs in Africa.

The managers will consider the use of not more than three percent of the amount provided for the Child Survival and Disease Programs Fund in countries funded under SEED and FREEDOM Support Act authorities. In particular, the managers urge AID to provide up to $2,000,000 to support non-governmental organizations that work with older orphans, including those with cognitive disabilities and mild mental retardation, to teach life and job skills. The conference agreement also continues existing limitations on the use of the Fund for non-project assistance.

The managers note that Morehouse School of Medicine is establishing an International Center for Health and Development. This center will be dedicated to forming local and international partnerships to address the health problems that are devastating Africa today. The conferees encourage AID to provide assistance for these efforts.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $1,228,000,000 for ''Development Assistance'' instead of $1,201,000,000 as proposed by the House and $1,928,500,000 as proposed by the Senate. The Senate included funding for the ''Child Survival and Disease Programs Fund'' under its ''Development Assistance'' account.

The conference agreement appropriates up to $5,000,000 for the Inter-American Foundation from funds made available under this heading and up to $14,400,000 directly to the African Development Foundation, as proposed in the House bill. The Senate amendment provided authority to transfer funds from this account to the Inter-American Foundation, but did not specify an amount. Also, the Senate amendment provided $12,500,000 for the African Development Foundation. Section 586 of the conference agreement provides the President with the authority to abolish the Inter-American Foundation during fiscal year 2000. The managers note that the funding level provided for the Inter-American Foundation is sufficient for meeting existing grant, contract, and lease obligations and to wind up any other outstanding affairs of the Foundation.

The conference agreement continues current law regarding certain requirements on quotas and numerical targets for family planning providers participating in voluntary family planning projects that are funded through the Development Assistance account, as included in the House bill. The Senate amendment did not address this matter.

The conference agreement also includes House language providing that $2,500,000 may be transferred from this account to the ''International Organizations and Programs'' account for a contribution to the International Fund for Agricultural Development (IFAD). The Senate amendment included similar language. The managers recognize the need for the type of expertise IFAD offers; therefore, the managers affirm the House and Senate support for continued

United States contributions to IFAD. The Administration is expected to consult with the Appropriations Committees regarding IFAD's future resource requirements.

The conference agreement continues current law which prohibits funds from being made available for any activity in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) as proposed by the House. The Senate bill did not address this matter.

The conference agreement includes language from the Senate amendment not in the House bill that provides not to exceed $25,000, in addition to funds otherwise made available for such purposes, to monitor and provide oversight for assistance programs for displaced and orphan children and victims of war.

The conference agreement does not include bill language in the Senate amendment mandating a specific sum for the International Law Institute. The managers continue to be concerned by the lack of adherence to the rule of law in the Independent States. Therefore, the managers direct that $250,000 shall be made available to the International Law Institute to continue its training and support of lawyers and judges in the Independent States.

The conference agreement provides that not less than $500,000 should be made available for support of the United States Telecommunications Training Institute. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement includes language similar to a provision in the Senate amendment that requires that not less than 50 percent of the funds made available for the Microenterprise Initiative should be made available for loans of $300 or less for very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans. The House bill contained a similar provision which continued existing law.

AGRICULTURE

The conference agreement does not contain language from the Senate amendment regarding the minimum level of funding for agriculture programs. However, the managers remain concerned about the decline in AID funding for international agriculture activities and recommend at least $305,000,000 be provided for such programs in fiscal year 2000. Further, the managers note that both the House and Senate Committee reports signal the deep concern for the level of funding provided for international agricultural development. In addition, the managers support the language in the House report regarding funding levels for the Collaborative Research Support Programs (CRSPs). Prior to the submission of the report required by section 653 of the Foreign Assistance Act, AID is directed to consult with the Committee on Appropriations regarding the proposed allocation of sector resources, including those intended for agriculture and for the CRSPs.

AID GLOBAL PROGRAMS AND BIODIVERSITY

The managers note the positive role AID's central offices and mechanisms can serve in providing policy and technical support in critical areas such as economic growth, energy, agriculture, biodiversity, democracy and women in development. The managers endorse House report language on global issues such as these, and encourage AID to adequately fund these central offices and mechanisms. To ensure that the Committees' priorities are addressed in a timely manner, the managers direct AID to provide, within 30 days of enactment of this Act, a brief written report to the Appropriations Committees on its planned fiscal year 2000 allocation of funds to the central offices in the Global Bureau.

The conference agreement does not include a Senate provision regarding the proportion of funds utilized in support of biodiversity. The managers continue to believe that protecting biodiversity and tropical forests in developing countries is critical to the global environment and U.S. economic prosperity, especially for the agricultural and pharmaceutical industries. The managers note the House and Senate Committee reports which recognize the slight increase in AID biodiversity funding in fiscal year 1999, but remain concerned that the proportion of development assistance allocated for biodiversity activities remains less than the amount provided five years ago. Therefore, the managers direct AID to restore overall biodiversity funding as well as funding to the Office of Environment and Natural Resources to levels that reflect the proportion of funding of development assistance provided in fiscal year 1995.

EDUCATION IN AFRICA

The managers recognizing that providing increased educational opportunities, including at the doctoral level, is a key component of development efforts in Africa. The managers are aware of AID's minority-serving institution initiative and commend the agency for engaging Historically Black Colleges and Universities in its program for Africa. Consistent with these efforts, the managers encourage AID to consider up to $700,000 for the implementation of a distance education doctoral degree initiative in collaboration with an HBCU that can offer advanced training in the areas of educational leadership, pharmacy, environmental sciences and engineering.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

The conference agreement does not contain Senate language requiring that not less than $15,000,000 shall be available only for the American Schools and Hospitals Abroad (ASHA) program. However, the managers direct the Agency for International Development to fully uphold its commitment to the Appropriations Committees to obligate at least $15,000,000 for the American Schools and Hospitals Abroad program in fiscal year 2000. It is the intention of the managers that the increase in funding for the Lebanon country program (addressed below under the heading ''Lebanon'') should not result in a decrease in funding that has been traditionally allocated to Lebanese educational institutions through the American Schools and Hospitals Abroad program provided under ''Development Assistance''.

PATRICK LEAHY WAR VICTIMS FUND

The conferees direct $12,000,000 for medical, orthopedic, and related rehabilitative and preventive assistance for war victims, particularly those who have been severely disabled from landmines and other unexploded ordnance. Of this amount, up to $10,000,000 is to be funded from the ''Development Assistance'' account and the ''Economic Support Fund''. The balance should be funded from Office of Transition Initiatives resources, and with funds from the demining budget of the ''Nonproliferation, anti-terrorism, demining and related programs'' account.

The managers note the great needs, especially for children, in Sierra Leone for medical, orthopedic, and related rehabilitative services as a result of civil war. The managers direct that not less than $500,000 from this account be used to continue the work of UNICEF and private voluntary organizations with experience in addressing such needs.

As in previous years, the managers expect that any such programs to assist war victims should be designed and implemented in consultation with AID's manager of the Leahy War Victims Fund.

CYPRUS

The conference agreement includes language from the Senate amendment that provides that not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus. Funds are to be derived from ''Development Assistance'' and ''Economic Support Fund''. The House bill did not contain a provision on this matter.

LEBANON

The conference agreement includes language similar to that from the Senate amendment that provides that not less than $15,000,000 of the funds appropriated under ''Development Assistance'' and ''Economic Support Fund'' should be made available for Lebanon to be used, among other purposes, for scholarship and direct support of the American educational instutitions in Lebanon. The Senate language is identical to the conference agreement, except it would have required the allocation of these funds. The House bill did not address this matter.

The increase of $3,000,000 for Lebanon is being provided for the direct support of the American educational institutions in that country. It is the intention of the managers that the increase in funding for the Lebanon country program should not result in a decrease in funding that has been traditionally allocated to Lebanese educational institutions through the American Schools and Hospitals Abroad program provided under ''Development Assistance''.

BURMA

The conference agreement includes language similar to that from the Senate amendment that provides that, of the funds made available under ''Development Assistance'' and ''Economic Support Fund'', not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma. These funds are to be made available notwithstanding any other provision of law and shall be subject to the regular notification procedures of the Committees on Appropriations, as proposed by the Senate. Language proposed by the Senate that would have allocated not less than $800,000 of these funds for certain specified activities is not included, not is language providing that funds made available under this heading shall be subject to consultation and guidelines provided by the leadership of the Burmese government elected in 1990.

The House bill did not address this matter.

CAMBODIA

The conference agreement does not include language proposed by the Senate that would have prohibited funds for the Central Government of Cambodia until the Secretary of State determines and reports to the Committees on Appropriations and the Committee on Foreign Relations that the Government of Cambodia has established a tribunal consistent with the requirements of international law and justice and including the participation of international jurists and prosecutors for the trial of those who committed genocide or crimes against humanity and that the Government of Cambodia is making significant progress in establishing an independent and accountable judicial system, a professional military subordinate to

civilian control, and a neutral and accountable police force. The funding restriction proposed by the Senate would not have applied to demining and other humanitarian programs.

The House did not address this matter under title II. The House provision on Cambodia, section 573 of the House bill, is included in modified form in the conference report under title V.

SOUTHEAST ASIA

The conference agreement does not include reservations of specific minimum funding allocations for Indonesia as proposed by the Senate. The House bill did not address these matters.

The managers support the highest possible level of assistance to support the economic recovery of the Philippines, Thailand, and Indonesia from the Asian financial crisis. Effective support for private investment, better governance, and less corruption in these countries should be given a higher priority in development assistance and Economic Support Fund allocation decisions. The Accelerated Economic Recovery in Asia and US-Asia Environmental Partnership programs should be augmented by specific efforts to retain existing major United States private sector investments in the region, especially in the infrastructure sector. The renewed security relationship between the Philippines and the United States provides additional justification for increased support to that country.

The managers recognize that humanitarian and economic assistance from many nations will be needed to enable East Timor to recover from the violence and destruction perpetrated by anti-independence forces following the referendum of August 30, 1999. The recovery of East Timor will also depend on the cooperation of its Indonesian neighbors. The managers encourage the Executive branch to use funds provided in this Act for the United States contribution to the recovery of East Timor.

The managers suggest a modest program of assistance for the people of Vietnam, mostly for humanitarian activities. The managers urge AID to work with the U.S. Embassy to support a safety awareness campaign in Vietnam to reverse the increase in preventable accidents, especially those affecting children.

The managers continue to be concerned about the status of religious groups in Vietnam. The Secretary of State is requested to report to the Committees not later than six months after enactment of this Act on the extent to which the Socialist Republic of Vietnam is facilitating the following: (1) The operation of independent churches; (2) the return of church properties confiscated since 1974; (3) visits to the Supreme Patriarch of the Unified Buddhist Church of Vietnam by a delegation of American religious leaders and medical doctors; and (4) participation of democracy and human rights advocates in United States education and cultural exchange programs.

CONSERVATION FUND

The conference agreement does not include a provision from the Senate amendment mandating $500,000 from ''Development Assistance'' for the Charles Darwin Research Station and the Charles Darwin Foundation. The House bill did not address this matter.

The managers direct that $500,000 be provided from ''Development Assistance'' for research, training, and related activities to support conservation efforts in the Galapagos. Because AID has made plans to sustain a commitment to the Galapagos, the managers expect fiscal year 2000 to be the final year for congressional mandates.

CONFLICT RESOLUTION

The conference agreement does not include Senate language earmarking $1,000,000 from ''Economic Support Fund'', ''Development Assistance'', and ''Assistance for Eastern Europe and the Baltic States'' accounts to support conflict resolution programs. However, the managers urge the State Department and AID to support such programs where appropriate. The managers especially commend Seeds of Peace, a widely respected organization which promotes understanding between Arab and Israeli teenagers, and Turkish and Greek Cypriot teenagers, and direct the Agency for International Development to provide up to $861,000 to Seeds of Peace in fiscal year 2000.

PRIVATE AND VOLUNTARY ORGANIZATIONS

The conference agreement includes language from the House bill providing that funds appropriated for development assistance should be available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. The Senate amendment included similar language.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $175,880,000 for ''International Disaster Assistance'' instead of $200,880,000 as proposed by the House and $175,000,000 as proposed by the Senate. The managers note that Congress provided $388,000,000 for this account in fiscal year 1999, including $188,000,000 in emergency supplemental funds, and that AID expects to carry-over into fiscal year 2000 the unobligated fiscal year 1999 balances. Further, the managers note that Section 492(b) of the Foreign Assistance Act provides the President with the authority to obligate up to $50,000,000 from other assistance accounts in order to provide disaster assistance, if necessary.

The conference agreement requires greater accountability on disaster assistance funds utilized in support of AID's Office of Transition Initiatives (OTI). OTI activities have been effective in many countries, but the managers are increasingly concerned that scarce emergency disaster aid may be unavailable due to longer-term OTI commitments. Therefore, the conference agreement requires that AID submit a report to the Appropriations Committees not less than five days prior to initiating on OTI program in a country in which OTI did not operate in fiscal year 1999. The managers believe this reporting requirement will help ensure that the Appropriations Committees receive timely information regarding the nature of OTI programs so they can better evaluate these transition activities in the future.

The managers note that OTI may utilize funds from other development and economic accounts in addition to the Disaster Assistance account and expect AID to report on the country allocations of all funds under OTI management in the annual report required under section 653 of the Foreign Assistance Act beginning in fiscal year 2000.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

The conference agreement continues existing law regarding the level of guarantees provided in support of micro and small enterprise activities. The Senate amendment proposed making the guarantee level permanent law.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

The conference agreement provides $1,500,000 in subsidy budget authority for the Urban and Environmental Credit program as proposed by the Senate amendment. The House bill provided no subsidy budget authority. In addition, the conference agreement appropriates $5,000,000 for administrative expenses as proposed by the House, instead of $4,000,000 as proposed by the Senate.

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

The conference agreement provides up to $3,000,000 for the cost of loans and loan guarantees for AID's Development Credit Authority (DCA) from funds transferred from existing development and economic accounts administered by AID. Up to $500,000 of this amount may be transferred to and merged with AID's ''Operating Expenses'' account. The managers urge that programs in the Russian Far East be given priority. The House bill did not provide authority for a development credit program. The Senate amendment provided $7,500,000 for this purpose.

The managers recognize the serious effort made by the Administration during the past two fiscal years to guarantee the financial integrity of the DCA, including the establishment of a credit review board to approve individual DCA loan and loan guarantee projects. However, the managers continue to be concerned about the larger development policy implications of AID conducting new loan and guarantee programs. Given the significant problems developing nations have experienced in repaying existing U.S. loans and the subsequent rescheduling and cancellation of these debts, the managers urge caution in extending new loans and guarantees.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement appropriates $495,000,000 as proposed by the Senate, instead of $479,950,000 as proposed by the House. The conference agreement does not include language proposed by the Senate to extend the availability of these funds until September 30, 2001. Also, the conference agreement does not provide $1,500,000 from Operating Expenses for the purchase of land in northern India as proposed by the Senate. The House bill contained no similar provision.

The conference agreement prohibits the use of funds in this account to finance the construction or long-term lease of offices for use by AID unless the administrator of AID reports in writing to the Appropriations Committees at least 15 days prior to the obligation of funds for such purposes. This reporting requirement applies only when the total cost of construction (including architect and engineering services), purchase, or lease commitment, exceeds $1,000,000. The House bill and the Senate amendment contained similar provisions.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement appropriates $2,177,000,000 instead of $2,227,000,000 as proposed by the House and $2,195,000,000 as proposed by the Senate. In addition, it provides not less than $960,000,000 for Israel and not less than $735,000,000 for Egypt as proposed by the Senate instead of not to exceed $960,000,000 for Israel and not to exceed $735,000,000 for Egypt as proposed by the House. The conference agreement also includes language providing that not less than $200,000,000 of the funds appropriated for Egypt shall be used for Commodity Import Program assistance as proposed by the Senate. The House bill did not address this matter.

The conference agreement also includes language providing that not less than $150,000,000 should be provided for Jordan as proposed by the Senate. The House bill did not address this matter.

The conference agreement also includes Senate language providing that, notwithstanding any other provision of law, not to exceed $11,000,000 may be used to support victims of and programs related to the Holocaust. The House did not address this matter.

The conference agreement does not include language from the Senate amendment, not in the House bill, that would have prohibited funds appropriated under this heading from being made available to the Korean Peninsula Energy Development Organization.

The conference agreement also includes language that, notwithstanding any other provision of law, $1,000,000 shall be made available to nongovernmental organizations located outside of the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in that country. The managers are aware of the important work of the Bridge Fund in this regard, and strongly support funding for this organization.

Senate language under this heading that authorized $10,000,000 for activities for Iraqi opposition groups is addressed under title V of the conference report.

The managers direct that $5,000,000 in funding from this account be used to support the activities authorized under the Irish Peace Process Cultural and Training Program Act of 1998 (Public Law 105–319).

The conference agreement does not include an additional $50,000,000 for Jordan (above a base level of $150,000,000), as requested by the President and provided in the House bill, in connection with funding for implementation of the Wye River accord. It is the intention of the managers that the Appropriations Committees of the House and Senate will address this matter when Congress takes action on all funds requested for implementation of the Wye River accords. The managers strongly support funding for Jordan, both in this account and under ''Foreign Military Financing Program'', and are committed to seeking to provide the full budget request for Jordan at the appropriate time.

INTERNATIONAL FUND FOR IRELAND

The conference agreement appropriates $19,600,000 for the International Fund for Ireland, as proposed by the House. The Senate amendment did not address this matter.

The conferees encourage the International Fund for Ireland (IFI) to consider direct funding of locally-based organizations dedicated to attracting investment to their municipalities and regions. In doing so, the conferees believe the IFI will further its goals of increasing domestic and international interest in continued cooperation and stability.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $535,000,000 as proposed by the Senate instead of $393,000,000 as proposed by the House.

The conference agreement also includes language stating that $150,000,000 should be provided for Kosova. The Senate amendment had provided for six country earmarks which are not included in the conference agreement. The House bill did not address this matter.

The conference agreement also includes language that prohibits funds for Kosova until the Secretary of State certifies that the resources pledged by the United States at the upcoming Kosova donors conference and similar pledging conferences shall not exceed 15 percent of the total resources pledged by all donors. In addition, language has been included stating that funds for Kosova shall not be made available for large scale physical infrastructure reconstruction.

In addition, the conference report includes Senate language that provides no more than $130,000,000 for Bosnia and Herzegovina from the funds appropriated under this account and under ''International Narcotics and Law Enforcement'' and ''Economic Support Fund''. The House bill did not address this matter.

The conference agreement also includes House language prohibiting funds from being used for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country. The Senate amendment did not address this matter.

The conference agreement also includes language from the House bill that applies the provisions of section 532 (''Separate Accounts'') to all funds provided under this heading, rather than just to funds made available for Bosnia and Herzegovina as proposed by the Senate. In addition, it includes language proposed by the House that authorizes the President to withhold funds for economic reconstruction programs in Bosnia and Herzegovina if he certifies that the Bosnian Federation is not complying with requirements in the Dayton Peace Accord to remove foreign forces, and has not terminated intelligence cooperation with Iranian officials. The Senate amendment did not address this matter.

ROMANIAN CHILDREN AND ORPHANS

The managers direct that up to $4,400,000 be provided for emergency aid for the child victims of the present economic crisis in Romania. The program should be administered through, or in close coordination with, the Romanian Department of Child Protection. It should focus on supplemental food support and maintenance, support for in-home foster care, and supplemental support for special needs residential care.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement appropriates $735,000,000 instead of $725,000,000 as proposed by the House and $780,000,000 as proposed by the Senate. The word ''New'' is deleted from the heading, as proposed by the House. The managers have included a ceiling on management costs for nuclear safety activities as proposed by the Senate and a limitation of 25 percent on the percentage of funds that may be allocated for any single country as proposed by the House.

The managers also encourage the Coordinator and AID to move as rapidly as possible to implement programs that focus on the social transition in the region as it affects ordinary citizens, to reward reform-oriented countries such as Moldova and Kyrgystan, and to accelerate the focus on regional efforts in reform-oriented secondary cities in Russia, Ukraine, and Kazakhstan.

RUSSIA-IRAN

The conference agreement continues the current restrictions on assistance to the Government of the Russian Federation as long as Russian enterprises and institutes continue to collaborate with Iran to increase Iranian capability to develop and deploy nuclear and ballistic missile technology. The managers agree that assistance to combat infectious diseases, child survival and nonproliferation activities, support for regional and municipal governments, and partnerships between United States hospitals, universities, judicial training institutions and environmental organizations and counterparts in Russia should not be affected by this subsection.

RUSSIAN FAR EAST

The conference agreement includes new language providing not less than $20,000,000 for the Russian Far East. This matter was not addressed in the House bill or the Senate amendment. Under the heading ''Development Credit Authority'' in title II, the managers also directed that additional funds be made available to stimulate ventures in the Russian Far East led by American firms with expertise in primary industries, including natural resource development, telecommunications and basic infrastructure, finance, and consumer goods.

SOUTHERN CAUCASUS REGION

The managers support regional cooperation efforts among the countries of Armenia, Azerbaijan, and Georgia, including United States efforts through the Caucasus Cooperation Forum. To further regional cooperation, the conference agreement continues the current six exemptions from the statutory restrictions on assistance to the Government of Azerbaijan. The managers include a requirement that 15 percent of the funds available for the Southern Caucasus region be used for confidence-building measures and other activities related to the resolution of regional conflicts instead of 17.5 percent as proposed by the House.

The conference agreement includes a provision that not less than 12.92 percent of the funds under this heading be made available for Georgia and not less than 12.2 percent for Armenia. Similar language was proposed by the Senate but not included in the House bill. The managers are concerned that little progress has been made to improve conditions in the regions of Armenia affected by the 1988 earthquake. The conferees direct the Coordinator and AID to allocate up to $15,000,000 to support recovery and economic reconstruction initiatives in the regions most severely affected. In addition, at least $25,000,000 of the funds made available for Georgia should be obligated for border security and law enforcement training.

The managers continue to support funding of the judicial reform initiatives in Georgia, but are aware of concerns regarding the legal rights of Loren Wille, an American working for Catholic Relief Services who was recently arrested in Georgia. The conferees urge the State Department to use the influence of the United States to ensure fairness and transparency in the treatment of Mr. Wille, and request a report from the Department no later than December 1, 1999, on the extent to which Mr. Wille's rights have been respected during the Georgian judicial process.

UKRAINE

The managers include bill language that $180,000,000 should be made available for Ukraine instead of a mandatory $210,000,000 as proposed by the Senate. In the event that October, 1999, Presidential elections in Ukraine produce a reform government, the managers would expect the Coordinator and AID to allocate additional funds for Ukraine. The managers recommend $25,000,000 for nuclear safety programs in Ukraine and up to $10,000,000 for regional initiatives that include industrial study tours, technology business incubators, and community based telecommunications projects. The conference agreement does not include any provision withholding funds for Ukraine as proposed by the Senate.

The conference agreement does not include Senate language regarding the destruction of stockpiles of landmines in Ukraine. However, the managers strongly support the elimination of some 10 million mines stockpiled in Ukraine and Moldova that could otherwise be exported to areas of conflict and cause egregious harm to innocent civilians. The managers intend and expect that of the funds made available in this Act for Ukraine and Modova, $5,000,000 will be contributed to

a multinational effort to destroy these landmines and similar munitions.

RUSSIAN LEADERSHIP PROGRAM

The conference agreement includes new language providing an additional $10,000,000 to carry out the Russian Leadership Program enacted on May 21, 1999. The statutory authority is modified to extend the pilot program administered by the Library of Congress for 1 year and to postpone transfer of the program to the Executive branch by 1 year.

RUSSIAN ORPHANS

The conferees strongly support AID's new strategy for addressing the needs of Russian orphans and concur with the House report language on this matter. The managers are concerned about the immediate needs of orphans in some of the most economically disadvantaged parts of the Russian Federation, such as Magadan. The conferees encourage AID to supplement its orphan strategy by identifying reform-minded and committed orphanage and child welfare officials in those regions and developing a program to improve the basic conditions of orphans there.

MEDICAL ASSISTANCE

The conference agreement does not include a Senate earmark for Carelift International. However, the managers are aware that large amounts of used high-technology medical equipment no longer needed by American hospitals can be put to good use in the former Soviet Union and other regions unable to afford high-technology medical equipment. Carelift International and other organizations provide such equipment and provide training on its proper use and maintenance. The conferees expect AID to support such private initiatives in its social transition strategy for the independent states and Central Europe and direct that $3,000,000 be made available to Carelift International upon receipt of a detailed proposal.

MONGOLIA

The conference agreement retains authority for funds provided under this heading to be used in Mongolia. The amount provided for Mongolia from this heading is $6,000,000. The remainder of the amount requested is to be made available from other accounts in title II of this Act.

INDEPENDENT AGENCY

PEACE CORPS

The Conference agreement appropriates $235,000,000 instead of $240,000,000 as proposed by the House and $220,000,000 as proposed by the Senate.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The Conference agreement appropriates $285,000,000 as proposed by the House for International Narcotics Control and Law Enforcement. The Senate amendment proposed $215,000,000.

The conference agreement does not include the ceiling of $20,000,000 on anti-crime activities within the account. However, the agreement does require that all anti-crime programs are subject to the regular notification procedures of the Committees on Appropriations.

The conference agreement contains House language allowing the Department of State to utilize section 608 of the Foreign Assistance Act to receive excess property from other U.S. federal agencies for use in a foreign country. The Senate amendment did not address this matter.

The conference agreement provides that not less than $10,000,000 should be available for Law Enforcement Training and Demand Reduction, which is similar to the Senate amendment. The House did not address this matter. The managers urge up to $4,000,000 of this amount be for demand reduction programs.

The conference agreement does not include a Senate provision regarding the establishment and operation of the International Law Enforcement Academy of the Western Hemisphere at the deBremmond Training Center in Roswell, New Mexico, deleting this language without prejudice. The House included no similar bill language. The managers are aware of recent State Department commitments to Congress regarding this proposal. The managers expect the Department of State to resolve this matter to the satisfaction of the Committees. The managers direct the Department of State to provide the Committees on Appropriations, not later than 45 days after enactment of this Act, a report on the proposed training program at the deBremmond Training Center during fiscal year 2000.

The conference agreement does not contain a Senate amendment providing not less than $10,000,000 for mycoherbicide counter drug research and development. The House did not address this matter. However, the managers recognize that the development of plant pathogens which are capable of destroying illicit drug crops, including opium poppy, coca and marijuana, offer a potential weapon for United States counter-narcotics efforts. The managers understand that all current funding requirements have been met for fiscal years 1999 and 2000. Consistent with the position taken in the fiscal year 1999 Supplemental appropriations conference report, the managers recommend that the responsibility for this funding should be assumed by the Office of the National Drug Control Policy to support any additional future needs for counterdrug research and development for the following: mycoherbicide product research and development; narcotic crop eradication technologies; narcotic plant identification and biotechnology; worldwide narcotic crop identification; and alternative crop research and development.

The managers affirm House and Senate report language regarding counter-narcotics programs and encourage the Assistant Secretary of State for International Narcotics Control and Law Enforcement to develop a comprehensive proposal to upgrade helicopter lift capability for anti-drug operations in Latin America.

The managers are concerned about the deteriorating conditions in Colombia. In 1998, 308,000 Colombians were internally displaced and during the past decade 35,000 Colombians have been killed in the violence between government forces, paramilitaries, and the FARC and ELN. The managers commend President Pastrana for his efforts to end this protracted conflict. The managers encourage the Department of State and other Executive agencies to continue their efforts to assist President Pastrana and the Colombian government toward a peaceful resolution of this conflict.

Given the instability in the region, the managers have been concerned by the consistently low levels of support during the past several years provided to the Government of Ecuador in its efforts to stem the flow of drugs transiting through Ecuador from both Colombia and Peru. Therefore, the managers direct the State Department Bureau on International Narcotics and Law Enforcement to provide a report, 60 days after the date of enactment, on its revised plans to assist Ecuador in improving its counter-narcotics efforts.

Because of budgetary limitations, $21,000,000 of the amount provided under this heading and $21,000,000 provided under the heading ''Migration and Refugee Assistance'' is withheld from obligation until September 30, 2000. Both programs were augmented by sizable supplemental appropriations during fiscal year 1999.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates $625,000,000, instead of $640,000,000 as proposed by the House bill and $610,000,000 as proposed in the Senate amendment. The conference agreement makes available $13,800,000, as proposed in the House bill, for administrative expenses. The Senate amendment proposed $13,500,000. The managers note that more than $160,000,000 remains in this account from previous appropriations acts.

The conference agreement also includes Senate language, not included in the House bill, that provides not less than $60,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement appropriates $12,500,000 instead of $30,000,000 as proposed by the House and $20,000,000 as proposed by the Senate. The managers note that more than $70,000,000 remains available in this account.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $181,600,000 instead of $181,630,000 as proposed by the House and $175,000,000 as proposed by the Senate.

The conference agreement also includes language proposed by the House, that was not in the Senate amendment, that authorizes a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and requires that the Secretary of State must inform the Committees on Appropriations at least 20 days prior to the obligation of funds for such Commission.

The conference agreement includes language proposed by the Senate, that was not in the House bill, that provides that $35,000,000 should be used for demining, clearance of unexploded ordnance and related activities, and that not to exceed $500,000 may be used for related administrative expenses.

The conference agreement does not include language from the Senate amendment that limited funding for the contribution to the International Atomic Energy Agency (IAEA) to $40,000,000.

Funding limitations affecting the Korean Peninsula Economic Development Organization (KEDO) are addressed under title V of this statement and accompanying conference report.

The managers intend that funds appropriated under this heading be allocated as follows:

[In thousands of dollars]

Program	House	Senate	Conference
Nonproliferation and Disarmament Fund	15,000	15,000	15,000
Export control asst	5,000	5,000	10,170
IAEA contribution	43,000	40,000	43,000
CTBT Preparatory Commission	20,000	20,000	20,000
Prepaid in fy 1999	−4,370	.....	−4,370
KEDO	35,000	40,000	35,000
Anti-terrorism asst	33,000	20,000	27,800
Demining	35,000	35,000	35,000
New budget authority	181,630	175,000	181,600

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

Both the House and the Senate provided $1,500,000 for the international affairs technical assistance program of the Department

of the Treasury. The managers encourage the Administration to meet the requested level for this program by transferring funds to the Department of the Treasury from other funds appropriated in title II of this Act.

DEBT RESTRUCTURING

The conference agreement appropriates $33,000,000 for debt restructuring as proposed by the House instead of $43,000,000 as proposed by the Senate. The managers include funding for bilateral debt restructuring and implementation of title V of the Foreign Assistance Act only.

TITLE III—MILITARY ASSISTANCE

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement appropriates $50,000,000 as proposed by the Senate instead of $45,000,000 as proposed by the House. It also provides that up to $1,000,000 may remain available until expended as proposed by the House; the Senate amendment did not address this matter.

The conference agreement also includes language proposed by the House that limits Guatemala and Indonesia to Expanded IMET only, and provides for regular notification procedures for funds allocated for Guatemala as proposed by the House. The Senate amendment would have limited Guatemala to Expanded IMET only, but did not address funding for Indonesia and did not require notification for Guatemala.

The conference agreement also includes language from the House bill providing that funding for the School of the Americas is contingent upon a certification by the Secretary of Defense that the instruction provided by the School is fully consistent with training provided by the Department of Defense to United States military training students at U.S. military institutions. It also includes House language requiring a report by the Secretary of Defense on training activities at the School of the Americas during 1997 and 1998.

The Senate amendment did not address these matters.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates $3,420,000,000 instead of $3,470,000,000 as proposed by the House and $3,410,000,000 as proposed by the Senate. In addition, it includes language proposed by the Senate that provides not less than $1,920,000,000 for grants for Israel and not less than $1,300,000,000 for grants for Egypt instead of not to exceed $1,920,000,000 for Israel and not to exceed $1,300,000,000 for Egypt as proposed by the House.

The conference agreement also includes language similar to that proposed by the Senate providing that not less than 26.3 percent of the funds made available for Israel shall be available for procurement in Israel. The House bill included language stating that not to exceed $505,000,000 should be made available for such procurement.

The conference agreement also includes House language providing that no Partnership for Peace funds may be made available to a non-NATO country except through the regular notification procedures of the Committees on Appropriations. The Senate amendment did not address this matter.

The conference agreement does not include language proposed by the Senate that would have allowed direct loans to be converted to grants, and grants to direct loans. The House bill did not address this matter.

The conference agreement provides not less than $3,000,000 in grant assistance for Tunisia and directs the drawdown of not less than $4,000,000 in defense articles, defense services, and military education and training. The Senate amendment would have directed $10,000,000 for Tunisia. The House bill did not address this matter.

The conference agreement also includes language providing up to $1,000,000 for Ecuador, subject to the regular notification procedures of the Committees on Appropriations.

The conference agreement provides a ceiling of 430,495,000 for administrative expenses as proposed by the House instead of $30,000,000 as proposed by the Senate.

The conference agreement also includes language directing that, not later than forty-five days after enactment, the Secretary of Defense shall report to the Committees on Appropriations regarding an appropriate host institution to support and advance the efforts of the Defense Institute for International and Legal Studies in both legal and political education. The Senate amendment would have provided not less than $1,000,000 for the Defense Institute of International Studies for various activities under ''International Military Education and Training''. The House bill did not address this matter.

The conference agreement does not include an earmark of $5,000,000 for the Philippines. However, the managers are strongly supportive of efforts to increase defense cooperation with that nation and are aware the Administration is proposing to provide $1,000,000 in grant funds for the Philippines in fiscal year 1999.

PEACEKEEPING OPERATIONS

The conference agreement appropriates $78,000,000 instead of $76,500,000 as proposed by the House and $80,000,000 as proposed by the Senate.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY (GEF)

The conference agreement appropriates $35,800,000 for the Global Environment Facility instead of $50,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement appropriates $625,000,000 instead of $776,600,000 as proposed by the Senate and $568,600,000 as proposed by the House.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

The conference agreement appropriates $4,000,000 for paid-in capital issued by the Multilateral Investment Guarantee Agency instead of $10,000,000 as proposed by the Senate. The House bill did not include any appropriation for this purpose. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement appropriates $77,000,000 for the Asian Development Fund instead of $50,000,000 as proposed by the Senate and $100,000,000 as proposed by the House. The entire amount is for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement appropriates $77,000,000 for the African Development Fund instead of $108,000,000 as proposed by the House. The Senate amendment did not include any appropriation for this purpose.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

The conference agreement appropriates $1,000,000 for paid-in capital issued by the African Development Bank instead of $5,100,000 as proposed by the Senate. The House bill did not include an appropriation for this purpose. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement provides $170,000,000 as proposed by the Senate amendment. The House bill appropriated $167,000,000.

The conference agreement does not contain a provision in the House bill regarding the Climate Stabilization Fund. The Senate amendment did not address this matter.

The conference agreement continues current law indicating that $5,000,000 should be made available for the World Food Program, which is similar to the Senate amendment. The House bill did not address this matter.

The managers note that the President's budget request for fiscal year 2000 proposed a reduction in funding for the United Nations Development Program. However, the managers are encouraged by the initiatives being undertaken by the new administrator of UNDP, and urge the Administration to strongly support these efforts and to encourage other donors to do the same.

TITLE V—GENERAL PROVISIONS

(Note.—If House and Senate language is identical except for a different section number or minor technical differences, the section is not discussed in the Statement of Managers.)

Sec. 502. Prohibition of bilateral funding for international institutions

The conference agreement modifies existing law to prohibit funds from title II of this Act to be transferred by AID directly to an international financial institution for the purpose of repaying a foreign country's loan obligations, as proposed by the House. The Senate amendment made no change to existing law.

Sec. 509. Transfers between accounts

The conference agreement deletes the requirement for the President to notify the Appropriations Committees, through their regular notification procedures, when exercising the transfer authority provided under the section.

Sec. 512. Limitation on assistance to countries in default.

The conference agreement ends the exemption for Nicaragua, Brazil, and Liberia from requirements under section 620(q) of the Foreign Assistance Act and under this section regarding default on loans made by the U.S. This language is the same as the Senate amendment. The House bill retained the exemption for these countries.

Sec. 514. Surplus commodities

The conference agreement deletes subsection (b) of the House general provision, as proposed by the Senate. This subsection would have required the Secretary of the Treasury to direct the U.S. executive directors of the international financial institutions to support the purchase of American produced agricultural commodities.

Sec. 515. Notification requirements

The conference agreement deletes ''International Affairs Technical Assistance'' from the notification requirements under this section as proposed by the House.

Sec. 520. Special notification requirements

The conference agreement adds ''Panama'' as proposed by the House bill to the list of countries subject to the special notification procedures of this section. The conference agreement does not include ''India'' as proposed in the Senate amendment.

Sec. 522. Child survival and disease prevention activities

The conference agreement modifies existing law to clarify the intent of this section that allows AID to use $10,000,000 appropriated under the ''Child Survival and Disease Programs Fund'' for technical experts from other government agencies, universities, and other institutions. Since Congress established a separate Child Survival and Disease Programs account in 1996, the previous language has been obsolete. The conference agreement is similar to the House provision, but includes new language regarding the sue of up to $1,500,000 from the ''Development Assistance'' account for technical experts.

Sec. 526. Democracy in China

The conference agreement contains language from the House bill that authorizes the use of funds from ''Economic Support Fund'' for the support of nongovernmental organizations located outside of China for the support of democracy activities, and requires notification on the use of this authority. The Senate amendment did not address this matter.

The conference agreement includes language that provides, notwithstanding any other provision of law that restricts assistance to foreign countries, $1,000,000 from the Economic Support Fund shall be made available to the Robert F. Kennedy Memorial Center for Human Rights for a project to disseminate information and support research about the People's Republic of China.

Sec. 537. Funding prohibition for Serbia

The conference agreement includes House language that prohibits assistance for Serbia, except for aid to Kosovo or Montenegro or to promote democracy. The Senate amendment did not address this matter.

Sec. 538. Special authorities

The conference agreement includes language proposed by the House that allows for funding from appropriations under title I for certain specified countries and activities, and for Montenegro, notwithstanding any other provision of law. The Senate amendment did not include these exemptions. It also includes language not in the House bill but in the Senate amendment that conditions assistance for Cambodia to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

The conference agreement also includes House language that authorizes the President to waive for six months a provision of Public Law 100–204, if he determines and certifies that doing so is important to the national security interests of the United States. The Senate amendment did not address this matter.

Sec. 539. Policy on terminating the Arab League boycott of Israel

The conference agreement contains House language on this matter. The Senate amendment did not include subsections (2) and (3) of the House general provision, dealing with the decision by the Arab League to reinstate the boycott in 1997, and calling on the League to immediately rescind its decision; and deleted language from subsection (4)(C) regarding a report on the specific steps that should be taken by the President to ''expand the process of normalizing ties between Arab League countries and Israel''.

Sec. 540. Anti-narcotics activities

The conference agreement contains House bill language waiving certain provisions of section 534 of the Foreign Assistance Act to allow for administration of justice programs in Latin America and the Caribbean. The Senate amendment contained a similar provision.

Sec. 541. Eligibility for assistance

The conference agreement includes language regarding eligibility of assistance provided under this Act, as proposed by the House bill. The conference agreement does not include a modification, as proposed in the Senate amendment, regarding the prohibition on assistance to countries that violate internationally recognized human rights.

Sec. 544. Prohibition on publicity or propaganda

The conference agreement maintains current law limiting to $750,000 the amount that may be made available to carry out the provision of section 316 of Public Law 96–533 relating to hunger and development education as proposed by the Senate amendment. The House bill provided no funding limitation.

Sec. 545. Purchase of American-made equipment and products

The conference agreement includes language proposed in the Senate amendment directing the Secretary of the Treasury to report annually to Congress on compliance with this provision.

Sec. 546. Prohibition of payments to United Nations members

The conference agreement modifies current law to prohibit the use of certain funds to pay the cost for attendance for another country's delegation at international conferences held under the auspices of multilateral or international organizations. This is similar to the House bill. The Senate amendment included a similar provision.

Sec. 549. Prohibition on assistance to foreign governments that export lethal military equipment to countries supporting international terrorism

The conference agreement includes the Senate version of this general provision, which is the same as House language except that under subsection (a) the reference to ''any other comparable provision of law'' is deleted and under subsection (c) the word ''estimated'' is deleted.

Sec. 552. War crimes tribunals drawdown

The conference agreement includes Senate language that authorizes a Presidential drawdown of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal for the former Yugoslavia or similar tribunals or commissions. It also specifies that such drawdowns are subject to the notification process and that drawdowns made under this section shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court. The House bill included similar language, but would not have exempted the tribunals for Yugoslavia and Rwanda from the notification requirements of the provision as in the Senate amendment.

Sec. 553. Landmines

The conference agreement includes language that amends section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) by extending until October 23, 2003, the ban on the export of landmines.

Sec. 556. Competitive pricing for sales of defense articles

The conference agreement includes language from the Senate amendment that provides that direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under the Arms Export Control Act. The House bill did not address this matter.

Sec. 559. Limitation on assistance for Haiti

The conference agreement includes language similar to that proposed by both Houses. It sunsets the required reports after two years as proposed by the House and includes a provision limiting the percentage of funds that can be allocated to any single Latin American or Caribbean country. The latter limitation is a separate general provision in current law and in the House bill. The limitation was not included in the Senate amendment.

Sec. 563. Limitation on assistance to the Palestinian Authority

The conference agreement includes House language that prohibits funds for the Palestinian Authority unless the President certifies that waiving such prohibition is important to the national security interests of the United States. Such waiver shall apply no more than six months and shall not apply beyond 12 months after enactment. The Senate amendment did not address this matter.

Sec. 565. Limitations on transfer of military equipment to East Timor

The conference agreement includes language from the Senate amendment that requires that in any agreement for military assistance or sales a statement shall be included that the items will not be used in East Timor. The House language included a proviso that stated nothing in this section shall be construed to limit Indonesia's inherent right to self-defense as recognized under the UN charter and in international law, and that military sales, assistance, or lease agreements include the statement that the United States ''expects'' that the military assistance will not be used in East Timor.

The conferees direct the Secretary of State, in consultation with the Secretary of Defense and other appropriate agencies, to submit a report to the Committees on Appropriations not later than February 1, 2000, identifying all Indonesian commanding officers and units deployed in East Timor during 1999, and providing any available information linking those officers and units to the violence prior to and after the August 30, 1999 referendum in East Timor. Such report may be provided in classified form, if appropriate.

Sec. 566. Restrictions on assistance to countries providing sanctuary to indicted war criminals

The conference agreement includes language similar to that of the House bill. It substitutes the word ''municipality'' for ''canton'', includes a special rule that allows for assistance to an entity that would otherwise be sanctioned under the terms of this section, and imposes certain recordkeeping requirements on the Secretary of State. The Senate amendment would have made a number of technical and substantive changes to the House bill, including: establishment of a policy for support of the International Criminal Tribunal for the former Yugoslavia; establishment of a special rule exempting certain specified entities and communities from sanctions under certain provisions of this section; a requirement for public information regarding certain assistance provided to the countries in the former Yugoslavia; and a provision for certain exemptions by types of assistance. The conference agreement defines ''Montenegro'' and ''Kosova'' separately for purposes of applying this provision of law.

Sec. 568. Greenhouse gas emissions

The conference agreement includes a modification of current laws as proposed by the House, primarily to obtain more detailed information from AID in an annual report submitted by the President.

Sec. 569. Excess defense articles for certain European countries

The conference agreement includes language from the Senate amendment that extends a provision of permanent law that expired in 1997 through 2000. The law authorizes the provision of excess defense articles to certain European countries. The House bill did not address this matter.

Sec. 570. Aid to the Government of the Democratic Republic of Congo

The conference agreement prohibits any assistance to the central Government of the Democratic Republic of Congo as proposed in the Senate amendment. The House bill included a similar provision.

Sec. 571. Assistance for the Middle East

The conference agreement contains language similar to the House bill that imposes a spending ceiling of $5,321,150,000 on specified assistance for the Middle East. The Senate amendment did not address this matter.

Sec. 572. Enterprise fund restrictions

The conference agreement includes language in the House bill that was not in the Senate amendment that requires that, prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit a plan for the distribution of the assets of the Enterprise Fund to the Committees on Appropriations in accordance with regular notification procedures.

Sec. 573. Cambodia

The conference agreement includes language that prohibits funds for the central Government of Cambodia and states that the Secretary of Treasury should instruct the Executive Directors of international financial institutions to use the voice and vote of the United States to oppose loans to that government. The House bill contained similar language, but would have imposed the funding prohibition on all government assistance. The Senate amendment would have required the Secretary of the Treasury to instruct U.S. executive directors of international financial institutions to use the voice and vote of the U.S. to oppose loans to the Government of Cambodia, except to support basic human needs, unless: (1) Cambodia has held free and fair elections; (2) all political candidates were permitted freedom of speech, assembly, and equal access to the media; (3) the Central Election Commission was comprised on representatives from all parties, and (4) the Government had begun the prosecution of Khmer Rouge leaders to include six named individuals. The Senate also addressed this matter under title II.

It is the intention of the managers that if the Administration proposes to provide assistance to of through provincial or municipal governments in Cambodia it will first consult with the appropriate committees of the Congress prior to the obligation of funds.

Sec. 574. Customs assistance

The conference agreement amends the Foreign Assistance Act of 1961 regarding the prohibition on the use of certain bilateral assistance for police training by allowing assistance to foreign customs authorities and personnel, including training, technical assistance, and equipment fro customs law enforcement. The conference agreement is identical to the Senate amendment. The House bill did not address this matter.

The managers expect this authority to be exercised to support U.S. private sector trade and investment opportunities.

Sec. 575. Foreign military training report

The conference agreement includes language similar to that in the House bill requiring a joint report by the Secretary of State and the Secretary of Defense on all overseas military training (excluding military sales) provided to non-NATO foreign military personnel under programs administered by the Departments of Defense and State during 1999 and 2000, including those proposed for 2000. The language specifies the scope of the report, and allows for a classified annex, if deemed necessary and appropriate. The report shall be due no later than March 1, 2000. The Senate amendment included similar language, but did not provide for an exemption for NATO countries.

Sec. 576. Korean Peninsula Energy Development Organization (KEDO)

The conference agreement includes language similar to that in the House bill that up to $15,000,000 may be made available for KEDO prior to June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that (1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of Korea; (2) the parties have taken and continue to take demonstrable steps to pursue the North-South dialogue; (3) North Korea is complying with all provisions of the Agreed Framework; (4) North Korea has not diverted assistance for purposes for which it was not intended; and (5) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel. In addition, up to $20,000,000 may be made available for KEDO on or after June 1, 2000, if, 30 days prior to the obligation of such funds, the President certifies and so reports to Congress that (1) the effort to can and safely store all spent fuel from North Korea's nuclear reactors has been successfully concluded; (2) North Korea is complying with its obligations regarding access to suspect underground construction; (3) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons, and (4) the United States has made and continues to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports. The language allows for the President to waive the certification requirements of this section if he determines that it is vital to the national security interests of the United States, 30 days after a written submission to the appropriate congressional committees. It also requires a report from the Secretary of State on the fiscal year 2001 budget request for KEDO, with certain specified information to be included in such report.

The House bill contained identical language, except it did not allow for the use of certain authorities of the Foreign Assistance Act to provide for a reprogramming of funds above the level of $35,000,000 specified for KEDO.

The Senate amendment contained language similar to the House bill. In addition, it required a report from the Director of Central Intelligence on all relevant intelligence bearing on North Korea's compliance with the above provisions; specified the timing of the report; and specified the types of intelligence covered by the report.

Sec. 577. Africa Development Foundation

The conference agreement provides that funds to grantees of the Foundation may be invested pending expenditure and that interest earned must be used for the same purpose for which the grant was made. Further, this section allows the Foundation's board of directors, in exceptional circumstances, to waive the existing $250,000 project limitation, subject to reporting to the Committees on Appropriations. This section is identical to the House bill. The Senate amendment included these same authorities within its ''Development Assistance'' account.

Sec. 578. Prohibition on assistance to the Palestinian Broadcasting Corporation

The conference agreement includes House language not in the Senate amendment that provides that none of the funds made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

Sec. 579. Voluntary separation incentives for employees of the U.S. Agency for International Development

The conference agreement provides for the payment of voluntary separation incentives to AID employees for the purpose of eliminating positions and functions at AID. The conference agreement is similar to the Senate amendment. The House bill did not address this matter.

The managers have included in this section a requirement that the AID administrator submit to the Committees on Appropriations, in addition to the Office of Management and Budget, a strategic plan outlining the intended use of incentive payments and a proposed organizational chart for AID once such incentives payments have been completed. The managers direct that AID consult regularly with the Committee on Appropriations on the strategic plan prior to implementing the separation program authorized by this section. Consistent with the Administration's request, the managers expect this authority to be used by AID to reduce its employment levels in Washington, D.C.

Sec. 580. Iraq opposition

The conference report includes language similar to that in the House bill and the Senate amendment that, notwithstanding any other provision of law, $10,000,000 shall be made available to support efforts to bring bout political transition in Iraq, of which not less than $8,000,000 shall be made available only to Iraqi opposition groups designated under the Iraq Liberation Act (Public Law 105–338), for political, economic, humanitarian, and other activities of such groups. It also provides that not more than $2,000,000 of such funds may be made available for groups and activities seeking the prosecution of Saddan Hussein and other Iraqi government officials for war crimes.

The conference agreement does not contain Senate language providing $250,000 for the Iraq Foundation. However, the conferees believe that the Foundation should receive funding made available by this Act for activities associated with pursuing war crimes.

Sec. 581. Agency for International Development budget submission

The conference agreement instructs the Agency for International Development to submit its 2001 budget in a format more useful to the Committees as proposed by the House. The Senate did not address this matter.

Sec. 582 American churchwomen in El Salvador

The conference agreement includes language regarding the murder of four American churchwomen in El Salvador. The conference agreement requires a report from the Attorney General to the Committees on Appropriations and requires the President to order all Federal agencies and departments that possess relevant information to make every effort to declassify and release that information to the victims' families. The House bill and Senate amendment included similar provisions.

Sec. 583. Kyoto Protocol

The conference agreement includes language regarding the Kyoto Protocol to the

Framework Agreement on Global Climate Change as proposed by the House. The Senate amendment did not address this matter.

Sec. 584. Additional requirements relating to stockpiling of defense articles for foreign countries

The conference agreement includes language from the Senate amendment not in the House bill that amends the Foreign Assistance Act of 1961 to provide authority to increase the war reserve stockpiles in Korea and Thailand by $60,000,000 for fiscal year 2000.

Sec. 585. Russian leadership program

The conference agreement includes new language amending the statutory authority for the Russian Leadership Exchange Program.

Sec. 586. Abolition of the Inter—American Foundation

The conference agreement provides authority from the President to abolish the Inter-American Foundation and terminate is functions. The House bill and Senate amendment did not address this matter.

Sec. 587. West Bank and Gaza program

The conference agreement includes language that provides that, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General at the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the programs funded under ''Economic Support Fund'' for the West Bank and Gaza Program.

The Senate amendment included language that specified requirements for auditing assistance that may be provided to the Palestinian Authority. The House bill did not address this matter.

Sec. 588. Human rights assistance

The conference agreement includes language providing recommendations on the use of funds available from the ''International Narcotics Control'' account. The language states that not less than $500,000 should be provided to the Colombia Attorney General's Human Rights Unit; not less than $500,000 should be made available to support Colombian nongovernmental organizations involved in human rights monitoring, particularly to assist in protecting the physical safety of their personnel; and not less than $250,000 should be made available to the United Nations High Commissioner for Human Rights for human rights assistance for the Colombian government. Further, not less than $1,000,000 should be provided for assistance to enhance U.S. embassy monitoring of assistance to Colombian security forces and in responding to reports of human rights violations. The conference agreement also includes language that not less than $5,000,000 should be made available for administration of justice programs, including support for the Colombia Attorney General's Technical Investigations Unit. The managers direct the Department of State's Bureau for International Narcotics and Law Enforcement Affairs to report to the Committees on Appropriations not later than January 15, 2000, regarding its plans to meet the requirements of this section.

Sec. 589. East Timor self-determination

The conference agreement includes new language on East Timor self-determination instead of language in the Senate amendment. The House did not address this matter. The conference substitute limits certain security-related assistance to Indonesia until the President certifies that seven conditions relating to East Timor have been met. All other assistance in the Act that the Administration may make available for Indonesia is subject to the regular notification procedures of the Committee.

Sec. 590. Man and the Biosphere Program

The conference agreement prohibits funds for the United Nations Man and the Biosphere Program and the World Heritage Fund for programs in the United States. This is similar to the House bill. The Senate did not address this matter.

Sec. 591. Immunity for the Federal Republic of Yugoslavia

The conference agreement includes language that provides that the Federal Republic of Yugoslavia shall be deemed to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7). The section shall not apply to Montenegro or Kosova, and shall become null and void when the President certifies in writing to the Congress that the Federal Republic of Yugoslavia (other than Montenegro and Kosova) has completed a democratic reform process that results in a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states. However, the language provides that the certification shall not affect the continuation of ongoing litigation.

The Senate amendment would have applied all sanctions applicable to a terrorist state to the Federal Republic of Yugoslavia. The House bill did not address this matter.

Sec. 592. United States assistance policy for opposition-controlled areas of Sudan

The conference agreement provides the President the authority to provide food assistance to groups engaged in the protection of civilian populations in opposition-controlled areas of Sudan. In support of this effort, the managers urge AID to provide up to $500,000 for the People-to-People peace and reconciliation process designed to unite ethnic groups and communities in southern Sudan. Further, the conference agreement requires the President to submit to the Committees on Appropriations a report on United States bilateral assistance to opposition-controlled areas of Sudan. The managers expect this report to be provided in both classified and unclassified forms, if necessary. The report is to include an accounting of U.S. assistance to opposition-controlled areas of Sudan in certain fiscal years and the goals and objectives of such assistance. Further, the President is to report on the policy implications, costs, and sources of funds associated with providing humanitarian assistance, including food, directly to National Democratic Alliance participants and the U.S. agencies best suited to administer these activities. Also, the President is to report on the policy implications of increasing substantially the amount of development assistance for certain activities in opposition-controlled areas of Sudan, the identification (by organization) of all proposed beneficiaries of such assistance, and the obstacles to administering a development assistance program in this region.

The Senate amendment included three provisions relating to U.S. assistance programs in opposition-controlled areas of Sudan. The House bill did not address this matter.

Sec. 593. Consultations on arms sales to Taiwan

The conference agreement includes Senate language that directs the Secretary of State to consult with the Congress regarding a mechanism to provide for congressional input into the nature or quantity of defense articles and services for Taiwan. The House bill did not address this matter.

Sec. 594. Authorizations

the conference agreement authorizes appropriations for various international financial institutions, as proposed in the Senate amendment. The House did not address this matter.

Sec. 595. Working capital fund

The conference agreement provides AID limited authority to create a working capital fund, without fiscal year limitation, for expenses of the International Cooperative Administrative Support Services (ICASS) and for rebates from the use of U.S. government credit cards. The managers view this fund as a pilot project, the long-term viability of which will be evaluated during fiscal year 2000. Further, the managers expect this activity to be undertaken primarily by those AID missions in which AID has already determined that it is best suited to serve as the ICASS provider. The managers understand that creation of this Fund will allow AID to receive an estimated $250,000 in credit card rebates in fiscal year 2000, which are expected to be credited to its ''Operating Expenses'' account.

The managers expect AID to consult regularly with the Appropriations Committees about the status of the working capital fund and its effectiveness.

Sec. 596. Silk Road Strategy Act of 1999

The conference agreement is the same as the Senate amendment regarding policy toward Central Asia, with the addition of language relating to trade disputes.

Sec. 597. Country reports on human rights practices

The conference agreement includes language, similar to the Senate amendment, which amends the Foreign Assistance Act of 1961 to require that the annual State Department ''Country Reports on Human Rights Practices'' include a new section regarding the trafficking in persons, especially women and children. The House did not address this matter.

Sec. 598. OPIC maritime fund

The conference agreement expresses the sense of the Congress that the Overseas Private Investment Corporation shall within one year from the date of enactment of this Act select a fund manager for the purpose of creating a maritime fund with total capitalization of up to $200,000,000. This fund shall leverage United States commercial maritime expertise to support international maritime projects.

Sec. 599. Sanctions against Serbia

The conference report includes language similar to that in the Senate amendment that requires that a number of specified sanctions against Serbia remain in place until a certification is issued by the President. The certification requires that Serbia comply with a number of international agreements, and provides an exemption for Montenegro and Kosova for the sanctions imposed through international financial institutions. It also allows for a waiver of all sanctions if necessary to meet emergency humanitarian needs or to achieve a negotiated settlement that is acceptable to the parties.

The House bill did not address this matter.

Sec. 599A. Clean coal technology

The conference agreement includes a section contained in the Senate amendment making a number of Congressional findings regarding clean coal technology. The House bill did not address this matter.

Sec. 599B. Restriction on United States assistance for certain reconstruction efforts in the Balkans region

The conference agreement includes language that provides that funds made available by this Act for assistance for reconstruction efforts in the Federal Republic of

Yugoslavia or any contiguous country should to the maximum extent practicable be used for he procurement of articles and services of United States origin. Under the terms of this section, the term ''article'' means any agricultural commodity, steel, communications equipment, farm machinery or petrochemical refinery equipment.

The Senate amendment would have prohibited the use of reconstruction funds in this Act for the former Yugoslavia or any contiguous country for the procurement of any article purchased outside the United States, the recipient country, or least developed countries, or any service provided by a foreign person, subject to certain exceptions. The House bill did not address this matter.

Sec. 599C. United Nations Population Fund

The conference agreement provides that, of amounts under ''International Organizations and Programs'', not more than $25,000,000 for fiscal year 2000 shall be available for the United Nations Populations Fund (UNFPA) subject to certain prohibitions and conditions. This section prohibits funds for the UNFPA from being made available for a country program in the People's Republic of China. Also, fiscal year 2000 funds are prohibited for UNFPA unless (1) UNFPA maintains these funds in an account separate from other UNFPA accounts (2) UNFPA does not commingle these funds with other sums and (3) UNFPA does not fund abortions.

This section requires that the Secretary of State report to Congress not later than February 15, 2000, indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China. If this report indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report was submitted.

This section is identical to the House bill. The Senate amendment included similar language.

Sec. 599D. Authorization for population planning

The conference agreement includes language that provides a limitation of $385,000,000 from funds appropriated in title II of this Act for population planning activities or other population assistance. In addition, such funds may be apportioned only on a monthly basis at a rate not to exceed 8.34 percent per month. The Senate amendment contained language under ''Development Assistance'' that provided for not less than $435,000,000 for such activities.

PROVISIONS NOT ADOPTED BY THE CONFEREES

DISTINGUISHED DEVELOPMENT SERVICE AWARD

The conference agreement does not include the section in the Senate amendment regarding the distinguished development service award. The House bill did not address this matter.

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

The conference agreement deletes a House provision that imposed a reduction in United States assistance of at least 5 percent when a country violates specified United Nations sanctions against Libya. The Senate amendment did not address this matter. The provision is no longer relevant, since the United Nations has suspended the application of sanctions against Libya.

LIMITATION ON FUNDS FOR FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTIONS

The conference agreement does not include a provision contained in the House bill which would have restored, in part, the ''Mexico City'' policy regarding restrictions on U.S. assistance to foreign organizations that perform or actively promote abortion, including lobbying or any other effort to alter laws of any foreign country concerning abortion. The Senate did not address this matter.

RESTRICTION ON POPULATION PLANNING ACTIVITIES OR OTHER POPULATION ASSISTANCE

The conference agreement does not include a provision contained in the House bill which would have prohibited funds for population planning activities for foreign nongovernmental organizations under certain conditions.

SENSE OF THE SENATE REGARDING COLOMBIA

The conference agreement does not include a section contained in the Senate amendment regarding Colombia.

ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN YUGOSLAVIA

The conference agreement deletes language from the Senate amendment that provided general authority to promote democracy and civil society in Yugoslavia, including an authorization of appropriations of $100,000,000; included a prohibition on assistance to the Government of Serbia; and included authority to provide assistance to the Government of Montenegro subject to certain conditions. The House bill did not address this matter.

LIMITATION ON USE OF FUNDS FOR PURCHASE OF PRODUCTS NOT MADE IN AMERICA

The conference agreement does not include language from the House bill that prohibits funds from titles I, II, or III for any foreign government if the funds are used to purchase equipment or products made in a country other than the foreign country itself or from the United States. The Senate amendment did not address this matter.

This issue is further addressed in section 545 of the conference report, ''Purchase of American-Made Equipment and Products''.

LIMITATION ON ASSISTANCE FOR SCHOOL OF AMERICAS

The conference agreement does not contain language from the House bill that would have prohibited funding for the School of the Americas located at Fort Benning, Georgia. The Senate amendment did not address this matter.

TO PROMOTE AN INTERNATIONAL ARMS TRANSFER REGIME

The conference agreement does not include language from the Senate amendment that would have authorized the president to continue and expand efforts through the United Nations and other international fora to limit arms transfers worldwide, and that specified the transfers that should be limited. The Senate language would also have required a semiannual report on progress in such negotiations to accomplish this goal. The House bill did not address this matter.

SENSE OF THE SENATE REGARDING UNITED STATES COMMITMENTS UNDER THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK

The conference agreement deletes Senate language that expressed the Sense of the Senate regarding the Agreed Framework and deliveries of heavy fuel oil to KEDO and North Korea. The House bill did not address this matter.

SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS

The conference agreement deletes Senate language expressing the Sense of the Senate regarding the need for an international conference on the Balkans. The House bill did not address this matter.

ACCOUNTABILITY OF SADDAM HUSSEIN

The conference agreement deletes Senate language regarding accountability for Saddam Hussein. The House bill did not address this matter.

The managers agree with the intent of the language of the Senate amendment on the need for accountability on the part of Saddam Hussein.

SENSE OF THE SENATE REGARDING ASSISTANCE PROVIDED TO LITHUANIA, LATVIA, AND ESTONIA

The conference agreement deletes Senate language that expressed the Sense of the Senate that assistance to the Baltic nations should not be interpreted as expressing the will of the Senate to accelerate membership of those nations into NATO.

SENSE OF THE SENATE REGARDING ASSISTANCE UNDER THE CAMP DAVID ACCORDS

The conference agreement deletes Senate language expressing the Sense of the Senate on assistance under the Camp David accords. The House bill did not address this matter.

SENSE OF CONGRESS IN MANAGEMENT OF UNITED STATES INTERESTS IN UKRAINE

The conference agreement deletes Senate language expressing the Sense of the Congress in management of U.S. interests in Ukraine. The House bill did not address this matter.

SENSE OF THE SENATE ON THE CITIZENS DEMOCRACY CORPS

The conference agreement deletes Senate language expressing the Sense of the Senate on the Citizens Democracy Corps. The House bill did not address this matter.

CONTROL AND ELIMINATE THE INTERNATIONAL PROBLEM OF TUBERCULOSIS

The conference agreement deletes Senate language expressing the Sense of the Senate on elimination of the international problem of tuberculosis. The House bill did not address this matter.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF THE RUSSIAN FEDERATION

The conference agreement does not include language contained in the House bill limiting assistance to the government of the Russian Federation at $172,000,000. The Senate amendment did not include a similar provision. This matter is addressed in title II under the heading ''Assistance to the Independent States of the Former Soviet Union''.

EXPANDED THREAT REDUCTION

The conference agreement does not include two sections from the Senate amendment regarding the Expanded Threat Reduction Initiative. The House bill did not contain similar provisions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	$33,330,393
Budget estimates of new (obligational) authority, fiscal year 2000	14,615,535
House bill, fiscal year 2000	12,668,115
Senate bill, fiscal year 2000	12,735,655
Conference agreement, fiscal year 2000	12,737,335
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	−20,593,058

Budget estimates of new (obligational) authority, fiscal year 2000	−1,878,200
House bill, fiscal year 2000	+69,220
Senate bill, fiscal year 2000	+1,680

SONNY CALLAHAN,
JOHN EDWARD PORTER,
FRANK WOLF,
RON PACKARD,
JOE KNOLLENBERG,
JACK KINGSTON,
JERRY LEWIS,
ROY BLUNT,
BILL YOUNG,
Managers on the Part of the House.

MITCH MCCONNELL,
ARLEN SPECTER,
JUDD GREGG,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
C. S. BOND,
TED STEVENS,
DANIEL K. INOUYE,
FRANK LAUTENBERG,
B. A. MIKULSKI,
ROBERT BYRD,
Managers on the Part of the Senate.

SCHOOL CONSTRUCTION AND EDUCATION IMPROVEMENT

The SPEAKER pro tempore (Mr. WAMP). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, in order to have continuity on this question of prescription drugs, I would like to yield my first 5 minutes to the gentleman from Texas (Mr. GONZALEZ).

HIGH COST OF PRESCRIPTION DRUGS

Mr. GONZALEZ. Mr. Speaker, I thank my distinguished colleague for yielding. It is a great opportunity, and I appreciate it, because it is a very important subject and it is an issue, I think, when we go to our town hall meetings, obviously this is something that is coming up over and over again.

In my district, as in many congressional districts around the country, older Americans are increasingly concerned about the high prices they pay for prescription drugs. I requested that the minority staff of the Committee on Government Reform investigate this particular issue. Numerous studies have concluded that many older Americans pay high prices for prescription drugs and have a difficult time paying for the drugs that they require. The study presents disturbing evidence about the cause of these high prices.

The findings indicate that older Americans and others who pay for their own drugs are charged far more for prescription drugs than the drug companies are charging their most favored customers, such as large insurance companies, health maintenance organizations and the Federal Government.

The findings show that senior citizens in my district, the 20th Congressional District, San Antonio, Texas, pay more for his or her own prescription drugs, on average, more than twice what the home health organizations would pay, private insurance companies and the Federal Government. This is an unusually large price differential. It is seven times greater than the average price differential for any other consumer good.

It appears that drug companies are engaged in a form of discriminatory pricing that victimizes those who are least able to afford it. Large corporate, governmental and institutional customers with market power are able to buy their drugs at discounted prices. Drug companies then raise prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts to their favored customers.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, more than one out of eight older Americans has been forced to choose between buying food and buying medicine. There is no reason in today's time, in this the greatest country and democracy known to mankind, that we should have this type of situation exist.

Preventing the pharmaceutical industry's discriminatory pricing, which it is, and thereby reducing the price of prescription drugs for seniors and other individuals will improve the health and financial well-being of millions of older Americans.

Mr. Speaker, I include for the RECORD a copy of this report prepared by the Committee on Government Reform for my district.

PRESCRIPTION DRUG PRICING IN THE 20TH CONGRESSIONAL DISTRICT IN TEXAS: DRUG COMPANIES PROFIT AT THE EXPENSE OF OLDER AMERICANS

(Prepared for Rep. Charles A. Gonzalez, Minority Staff Report, Committee on Government Reform, U.S. House of Representatives, August 2, 1999)

EXECUTIVE SUMMARY

This staff report was prepared at the request of Rep. Charles A. Gonzalez of Texas. In Mr. Gonzalez' district, as in many other congressional districts around the country, older Americans are increasingly concerned about the high prices that they pay for prescription drugs. Mr. Gonzalez requested that the minority staff of the Committee on Government Reform investigate this issue. This report is the first report to quantify the extent of prescription drug price discrimination in Mr. Gonzalez' district and its impacts on seniors.

Numerous studies have concluded that many older Americans pay high prices for prescription drugs and have a difficult time paying for the drugs they need. This study presents disturbing evidence about the cause of these high prices. The findings indicate that older Americans and others who pay for their own drugs are charged far more for their prescription drugs than are the drug companies' most favored customers, such as large insurance companies, health maintenance organizations, and the federal government. The findings show that a senior citizen in Mr. Gonzalez' district paying for his or her own prescription drugs must pay, on average, more than twice as much for the drugs as the drug companies' favored customers. The study found that this is an unusually large price differential—seven times greater than the average price differential for other consumer goods.

It appears that drug companies are engaged in a form of ''discriminatory'' pricing that victimizes those who are least able to afford it. Large corporate, governmental, and institutional customers with market power are able to buy their drugs at discounted prices. Drug companies then raise prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts to the favored customers.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, more than one in eight older Americans has been forced to choose between buying food and buying medicine. Preventing the pharmaceutical industry's discriminatory pricing—and thereby reducing the cost of prescription drugs for seniors and other individuals—will improve the health and financial well-being of millions of older Americans.

A. Methodology

This study investigates the pricing of the five brand name prescription drugs with the highest sales to the elderly. It estimates the differential between the price charged to the drug companies' most favored customers, such as large insurance companies, HMOs, and certain federal government purchasers, and the price charged to seniors. The results are based on a survey of retail prescription drug prices in chain and independently owned drug stores in Mr. Gonzalez' congressional district in Texas. These prices are compared to the prices paid by the drug companies' most favored customers. For comparison purposes, the study also estimates the differential between prices for favored customers and retail prices for other consumer items.

B. Findings

The study finds that:

Older Americans pay inflated prices for commonly used drugs. For the five drugs investigated in this study, the average price differential was 154% (Table 1). This means that senior citizens and other individuals who pay for their own drugs pay more than twice as much for these drugs than do the drug companies' most favored customers. In dollar terms, senior citizens must pay $68.06 to $122.99 more per prescription for these five drugs than favored customers.

TABLE 1.—AVERAGE RETAIL PRICES IN MR. GONZALEZ' DISTRICT FOR THE FIVE BEST-SELLING DRUGS FOR OLDER AMERICANS ARE MORE THAN TWICE AS HIGH AS THE PRICES THAT DRUG COMPANIES CHARGE THEIR MOST FAVORED CUSTOMERS

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for seniors	Differential for senior citizens	
					Percent	Dollar
Zocor	Merck	Cholesterol	$27.00	$113.94	322	$86.94
Prilosec	Astra/Merck	Ulcers	59.10	129.49	119	70.39
Norvasc	Pfizer, Inc	High Blood Pressure	59.71	127.77	114	68.06
Procardia XL	Pfizer, Inc	Heart Problems	68.35	142.17	108	73.82
Zoloft	Pfizer, Inc	Depression	115.70	238.69	106	122.99
Average price differential						154%

For other popular drugs, the price differential is even higher. This study also analyzed a number of other popular drugs used by older Americans and in some cases found even higher price differentials (Table 2). The drug with the highest price differential was Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in Mr. Gonzalez' congressional district was 1,702%. An equivalent quantity of this drug would cost the manufacturer's favored customers only $1.75, but would cost the average senior citizen in Mr. Gonzalez' district over $31.00. For Micronase, a diabetes treatment manufactured by Upjohn, an equivalent dose would would cost the favored customers $10.05, while seniors in Mr. Gonzalez' district are charged an average of $54.81. The price differential was 445%.

Price differentials are far higher for drugs than they are for other goods. This study compared drug prices at the retail level to the prices that the pharmaceutical industry gives its most favored customers, such as large insurance companies, government buyers with negotiating power, and HMOs. Because these customers typically buy in bulk, some difference between retail prices and ''favored customer'' prices would be expected.

TABLE 2.—PRICE DIFFERENTIALS FOR SOME DRUGS ARE MORE THAN 1,700%

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for seniors	Price differential for seniors
Synthroid	Knoll Pharmaceuticals	Hormone Treatment	$1.75	$31.54	1,702%
Micronase	Upjohn	Diabetes	10.05	54.81	445%

The study found, however, that the differential was much higher for prescription drugs than it was for other consumer items. The study compared the price differential for prescription drugs to the price differentials on a selection of other consumer items. The average price differential for the five prescription drugs was 154%, while the price differential for other items was only 22%. Compared to manufacturers of other retail items, pharmaceutical manufacturers appear to be engaging in significant price discrimination against older Americans and other individual consumers.

Pharmaceutical manufacturers, not drug stores, appear to be responsible for the discriminatory prices that older Americans pay for prescription drugs. In order to determine whether drug companies or retail pharmacies were responsible for the high prescription drug prices paid by seniors in Mr. Gonzalez' congressional district, the study compared average wholesale prices that pharmacies pay for other drugs to the prices at which the drugs are sold to consumers. This comparison revealed that the pharmacies in Mr. Gonzalez' district appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The retail prices in Mr. Gonzalez' district are just 6% above the published national Average Wholesale Price, which represents the manufacturers' suggested price to pharmacies. The differential between retail prices and a second indicator of pharmacy costs, the Wholesale Acquisition Cost, which represents the average price pharmacies actually pay for drugs, is only 31%. This indicates that it is drug company pricing policies that appear to account for the inflated prices charged to older Americans and other customers.

I. The Vulnerability of Older Americans to High Drug Prices

This report focuses on a continuing, critical issue facing older Americans—the cost of their prescription drugs. Numerous surveys and studies have concluded that many older Americans pay high costs for prescription drugs and are having a difficult time paying for the drugs they need. The cost of prescription drugs is particularly important for older Americans because they have more medical problems, and take more prescription drugs, than the average American. This situation is exacerbated by the fact that the Medicare program, the main source of health care coverage for the elderly, fails to cover the cost of most prescription drugs.

According to the National Institute on Aging, ''as a group, older people tend to have more long-term illnesses—such as arthritis, diabetes, high blood pressure, and heart disease—than do younger people.'' Other chronic diseases which disproportionately affect older Americans include depression and neurodegenerative diseases such as Alzheimer's disease, Lou Gehrig's disease, and Parkinson's disease. Older Americans spend almost three times as much of their income (21%) on health care than those under the age of 65 (8%).

The latest survey data indicate that 86% of Medicare beneficiaries are taking prescription drugs. Almost 14 million senior citizens, 38% of all Medicare beneficiaries, use more than $1,000 of prescription drugs annually. The average older American uses 18.5 prescriptions annually, significantly more than the average under-65 population. It is estimated that the elderly in the United States, who make up 12% of the population, use one-third of all prescription drugs.

Although the elderly have the greatest need for prescription drugs, they often have the most inadequate insurance coverage for the cost of these drugs. With the exception of drugs administered during inpatient hospital stays, Medicare generally does not cover prescription drugs. According to a recent analysis by the National Economic Council, approximately 75% of Medicare beneficiaries lack dependable, private-sector prescription drug coverage.

Thirty-five percent of Medicare recipients, over 13 million senior citizens, do not have any insurance coverage for prescription drugs. In rural areas, the problem is even worse, with 48% of Medicare recipients lacking any prescription drug coverage. In total, Medicare beneficiaries pay more than half of their drug costs out of their own pockets.

Even when seniors have prescription drug coverage, the coverage is often inadequate. The number of firms offering retirees prescription drug coverage is declining, from 40% in 1994 to 30% in 1998. Medigap policies are often prohibitively expensive, while offering inadequate coverage. Medicare managed care plans are also sharply reducing benefits and coverage.

The high cost of prescription drugs and the lack of insurance coverage cause enormous hardships for older Americans. In 1993, 13% of older Americans surveyed reported that they were forced to choose between buying food and buying medicine. By another estimate, five million older Americans are forced to make this difficult choice.

II. Are Drug Companies Exploiting the Vulnerability of Older Americans?

Rep. Charles A. Gonzalez of Texas asked the minority staff of the Committee on Government Reform to investigate whether pharmaceutical manufacturers are taking advantage of older Americans through price discrimination, and, if so, whether this is part of the explanation for the high drug prices being paid by older Americans in his congressional district. This report presents the results of this investigation.

Industry analysts have recognized that price discrimination occurs in the prescription drug market. According to a recent Standard & Poor's report on the pharmaceutical industry, ''[d]rugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care customers. This practice is known as 'cost shifting.'" Under this practice, ''drugs sold to wholesale distributors and pharmacy chains for the individual physician/patient are marked at the higher end of the scale.''

Although industry analyses acknowledge that price discrimination occurs, they have not estimated its degree or impact. This report, prepared at Mr. Gonzalez' request, is the first attempt to quantify the extent of price discrimination and its impact on senior citizens in the 20th Congressional District in Texas.

The study design and methodology used to test whether drug companies are discriminating against older Americans in their pricing are described in part III. The results of the study are described in part IV. These results show that drug manufacturers appear to be engaged in substantial price discrimination against older Americans and other individuals who must pay for their own prescription drugs. The impact of the manufacturers' pricing policies on corporate profits is discussed in part V.

III. METHODOLOGY

A. Selection of Drugs for this Survey

This survey is based primarily on a selection of the five patented, nongeneric drugs with the highest annual sales to older Americans in 1997. The list was obtained from the Pennsylvania Pharmaceutical Assistance Contract for the Elderly (PACE). The PACE program is the largest outpatient prescription drug program for older Americans in the United States for which claims data is available, and is used in this study, as well as by several other analysts, as a proxy database for prescription drug usage by all older Americans. In 1997, over 250,000 persons were enrolled in the program, which provided over $100 million of assistance in filling over 2.8 million prescriptions.

B. Determination of Average Retail Drug Prices for Seniors

In order to determine the prices that senior citizens are paying for prescription drugs in Mr. Gonzalez' congressional district, the minority staff and the staff of Mr. Gonzalez' congressional office conducted a survey of 11 drug stores—including both independent and chain stores. Mr. Gonzalez represents the 20th Congressional District in southern Texas, which includes central San Antonio and rural areas to the west and southwest of the City.

C. Determination of Prices for Drug Companies' Most Favored Customers

Drug pricing is complicated and drug companies closely guard their pricing strategies. For example, drug companies require HMOs to sign confidentiality agreements before offering them pricing discounts. The best publicly available indicator of the prices drug companies charge their most favored customers is the prices the companies charge the federal government.

The federal government pays for prescription drugs through several different programs. One important program is the Federal Supply Schedule (FSS), which is a price catalogue containing goods available for purchase by federal agencies. Drug prices on the FSS are negotiated by the Department of Veterans Affairs (VA) and often approximate the prices that the drug companies charge their most favored non-federal customers. According to the U.S. General Accounting Office, ''[u]nder GSA procurement regulations, VA contract officers are required to seek an FSS price that represents the same discount off a drug's list price that the manufacturer offers its most-favored nonfederal customer under comparable terms and conditions.'' To obtain additional price discounts available to the private sector, the VA has established at least two additional negotiated-price programs: (1) a VA formulary that operates similarly to the formularies established by well-managed HMOs, and (2) a Blanket Price Agreement (BPA) program, under which the VA commits to purchasing minimum quantities of particular prescription drugs. Yet another program through which the federal government obtains prescription drugs is section 340(b) of the Public Health Service Act, which entitles four agencies (the VA, the Indian Health Service, the Department of Defense, and the Public Health Service) to purchase drugs at a maximum price of 24% below the manufacturer's average nonfederal price.

This analysis uses the lowest price paid by the federal government as a proxy for the prices paid by drug companies most favored customers. All prices were updated in June 1999 to reflect current pricing.

D. Determination of Prices Paid by Pharmacies

The survey also looked at two other pricing indicators: (1) the Average Wholesale Price (AWP) and (2) the Wholesale Acquisition Cost (WAC). These two prices provide an indicator of the extent of markups that are attributable to the pharmacy (in contrast to those that are due to the drug manufacturer). The AWP represents the price that manufacturers suggest that wholesalers charge retail pharmacies; the WAC represents the actual average price that wholesalers charge pharmacies. Both AWP and WAC were obtained from the Medispan database and were updated in June 1999 to reflect current pricing.

E. Determination of Drug Dosages

When comparing prices, the study used the same criteria (dosage, form, and package size) used by the GAO in its 1992 report, Prescription Drugs: Companies Typically Charge More in the United States Than In Canada. For drugs that were not included in the GAO report, the study used the dosage, form, and package size common in the years 1994 through 1997, as indicated in the Drug Topics Red Book. The dosages, forms, and package sizes used in the study are shown in Appendix B.

F. Comparison of Price Differentials for Other Retail Items

In order to determine whether the differential between the most favored customer prices and retail prices for drugs commonly used by older Americans is usually large, the study compared the prescription drug price differentials to price differentials on other consumer products. To make this comparison, a list of consumer items other than drugs available through the FSS was assembled. FSS prices were then compared with the retail prices at which the items could be bought at a large national chain.

IV. DRUG COMPANIES CHARGE OLDER AMERICANS DISCRIMINATORY PRICES

A. Discrimination in Drug Pricing

In the case of the five drugs with the highest sales to seniors, the average price differential between the price that would be paid by a senior citizen in Mr. Gonzalez's congressional district and the price that would be paid by the drug companies' most favored customers was 154% (Table 1). The study thus showed that the average price that older Americans and other individual consumers in Mr. Gonzalez's district pay for these drugs is more than double the price paid by the drug companies' favored customers, such as large insurance companies and HMOs.

For individual drugs, the price differential was even higher. Among the five best selling drugs, the highest price differential was 322% for Zocor, a cholesterol treatment manufactured by Merck. For other popular drugs, the study found even greater price differentials. The drug with the highest price differential was Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in Mr. Gonzalez' district was more than 1,700%. An equivalent quantity of this drug would cost the most favored customers only $1.75, but would cost the average senior citizen in Mr. Gonzalez' congressional district $31.54. For Micronase, a diabetes treatment manufactured by Upjohn, the price differential as 445%. Every drug looked at in this study had a large price differential. Among the five highest selling drugs, three (Zocor, Prilosec, and Norvasc) had price differentials that exceeded 110%. The lowest price difference was still high—106%, for Zoloft.

In dollar terms, Zoloft, an antidepressant, had the highest price differential. Senior citizens in Mr. Gonzalez' district must pay over $120.00 more for 100 tablets of Zoloft than a favored customer. The difference between seniors' prices and prices for favored customers was more than $80.00 for 60 tablets of Zocor and over $60.00 per prescription for each of the remaining three best selling drugs (Procardia XL, Norvasc, and Prilosec).

B. Comparison with Other Consumer Goods

The study also analyzed whether the large differentials in prescription drug pricing could be attributed to a volume effect. The drug companies' most favored customers, such as large insurance companies and HMOs, typically buy large volumes of drugs. Thus, it could be expected that there would be differences between the prices charged the most favored customers and retail prices. The study found, however, that the differential in prescription drug prices were much greater than the differentials in prices for other consumer goods. The study found that, in the case of other consumer goods, the average difference between retail prices and the prices charged most favored customers, such as large corporations and institutions, was only 22%. The average price differential in the case of prescription drugs was seven times larger than the average price differential for other consumer goods. This indicates that a volume effect is unlikely to explain the large differential in prescription drug pricing.

C. Drug Company Versus Pharmacy Responsibility

The study also sought to determine whether drug companies or retail pharmacies are responsible for the high prices being paid by older Americans. To do this, the study compared the average wholesale prices that pharmacies pay for drugs to the prices at which the drugs are sold to consumers. This comparison revealed that pharmacies appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The study found that the average retail price for the five best-selling prescription drugs was just 6% more than the published Average Wholesale Price, and only 31% above the pharmacies' Wholesale Acquisition Cost. This finding indicates that it is drug company pricing policies, not retail markup, that account for the inflated prices charged to older Americans and other individual customers. These findings are consistent with other experts who have concluded that because of the competitive nature of the pharmacy business at the retail level, there is a relatively small profit margin for retail pharmacists.

The study found few significant differences in retail prices between pharmacies in different parts of Mr. Gonzalez's district. Moreover, although there were variations in prices between chain and independent pharmacies, these differences were in general not systematic.

V. DRUG MANUFACTURER PROFITABILITY

Drug industry pricing strategies have boosted the industry's profitability to extraordinary levels. The annual profits of the top ten drug companies are over $25 billion. Moreover, the drug companies make unusually high profits compared to other companies. The average manufacturer of branded consumer goods, such as Proctor & Gamble or Colgate-Palmolive, has an operating profit margin of 10.5%. Drug manufacturers, however, have an operating profit margin of 28.7%—nearly three times greater.

These high profits appear to be directly linked to the pricing strategies observed in this study. For instance, Merck, the country's largest pharmaceutical manufacturer, had a 24% increase in sales and a 12% increase in profits in the first quarter 1999. According to industry analysts, Merck's increased profits were due in large part to sales of Zocor, which is sold in Mr. Gozalez'

district at a price differential of 322%. Zocur itself accounts for 13% Merck's revenues.

Pharmaceutical companies have been rapidly increasing their prices. These price hikes make it even more difficult for uninsured senior citizens to afford prescription drugs. In 1998, pharmaceutical prices increased by 5.1%, more than three times higher than the overall inflation rate. The price of Synthroid, which is sold in Mr. Gonzalez' district at a price differential of more than 1,700%, increased 20.4% in 1998.

Overall, profits for the major drug manufacturers grew by over 21% in 1998, compared to 5% to 10% for other companies on the Standard & Poors index. The drug manufacturers' profits are expected to grow by up to an additional 25% in 1999. According to one analyst, ''the prospects for the Pharmaceutical industry are as bright as they've ever been.

APPENDIX A.—THE FIVE TOP SELLING PATENTED, NON-GENERIC DRUGS FOR SENIORS RANKED BY 1997 TOTAL DOLLAR SALES

Rank and drug	Manufacturer	Indication
1. Prilosec	Astra/Merck	Ulcer.
2. Norvasc	Pfizer, Inc.	High blood pressure.
3. Zocor	Merck	Cholesterol reduction.
4. Zoloft	Pfizer, Inc.	Depression.
5. Procardia XT	Pfizer, Inc.	Heart problems.

Source: Pharmaceutical Assistance Contract for the Elderly (''PACE''), Pennsylvania Department of Aging Annual Report to the Pennsylvania General Assembly: January 1–December 31, 1997 (Apr. 1998).

APPENDIX B.—INFORMATION ON PRESCRIPTION DRUGS ANALYZED IN THIS STUDY

Brand name drug	Dosage and form	Indication	Prices (dollars)			
			Favored customer price	Wholesale acquisition cost	Average wholesale price	Price differential[1]
Zocor	5 mg, 60 tablets	Cholesterol reducer	$27.00	$86.07	$106.84	$113.94	322%
Prilosec	20 mg, 30 cap	Ulcer	59.10	100.34	119.57	129.49	119%
Norvasc	5 mg, 90 tablets	High Blood Pressure	59.71	96.00	119.17	127.77	114%
Procardia XL	30 mg, 100 tab	Heart Problems	68.35	111.46	138.37	142.17	108%
Zoloft	50 mg, 100 tab	Depression	115.70	182.98	227.13	238.69	106%
Average price differential							154%

[1] Average retail price vs. favored customer price.

APPENDIX C.—PRICE COMPARISONS FOR NON-PRESCRIPTION DRUG ITEMS

Item	FSS price	Retail price	Differential
Binder Clip, small, 1 box	$0.49	$0.49	0%
Rubber Bands, 1 lb	2.57	2.67	4%
Toilet Paper, 96 Rolls	44.74	47.98	7%
Rolodex, 500 Card	13.24	14.29	8%
Tape Dispenser	1.44	1.69	17%
Wastebasket, Plastic, 13 qt	2.95	3.49	18%
Scissors	10.88	12.99	19%
Pencils, #2, 20-pack	1.03	1.26	22%
Paper Towels, 30 Rolls	22.94	29.98	31%
Post-It Notes	2.08	2.89	39%
Envelopes, 500, White, 20 lb. weight	6.45	9.49	47%
Correction Fluid, 18 ml., dozen	6.66	9.99	50%
Average price differential			22%

Mr. OWENS. Mr. Speaker, I would like to begin by thanking the Chair and the staff for extending me the courtesy of holding open the floor for a while.

I would like to talk today about two important events that have taken place in the last 20 days. Both of those events, I think, have bearing on the subject of school construction and education improvement. The first event took place on September 10. It was a memorial service for James Farmer. James Farmer was a founder of the Congress of Racial Equality. He died on July 9 of this year. Last year he had been awarded the Presidential Medal of Freedom by President Clinton.

James Farmer was a very special person for me, because I began my career in public service as a member of the Brooklyn Congress of Racial Equality. CORE, as it was known nationally, was a very different organization at that time from the CORE we know today. There is no resemblance whatsoever between the CORE of today and the CORE of the civil rights movement time in the 1960s. James Farmer was an individual that I think deserves to be singled out for his special contribution in terms of the techniques of direct action, sit-ins, demonstrations and picket lines. A number of things that became commonplace during the civil rights struggles of the 1960s were attributed to many individuals, but James Farmer was the person who initially started it. By providing a way for individuals to take immediate, direct action, he also inspired the young people of that time to get very much involved. CORE was very much a young people's movement and it spread to the entire civil rights movement. The entire civil rights movement was bolstered by the techniques which were pioneered by James Farmer.

James Farmer, of course, lived for a long time after the 1960s and his career took many turns. People tend to forget because of the fact that, in my opinion, he was burned out and left the movement. Knowing what the 1960s were like and being a part of it, I am sure his family suffered a great deal. By the time he left, he had a lot of problems that he had to take care of. He left the movement and went into government, but he must be remembered for the time he was there during the movement and for the pioneering that he did as early as 1942.

To sort of sum up what I feel we should remember about James Farmer, I will read the statement that I made at the memorial service that was held on September 10 at the Kennedy center. There were many speakers there who looked at James Farmer's life from many different approaches, but I was most interested in trying to pinpoint what it is that James Farmer did that is relevant now, how is it relevant to the situation faced now in the African-American community, how is it relevant to the situation faced now by African-American parents who are dependent upon the public school system and they are watching a crumbling system, a system that is being abandoned, and they appear to be helpless in the face of what is going on.

I contend that we are slowly, by the kinds of decisions we are making or not making, we are abandoning the public school system, and the primary victims of that are the people in the inner cities who happen to be African American and Hispanics. But certainly a large part of the population is African American. The African-American parents have been targeted by people who want to accelerate this process of destroying the public school system. They want to hold up the specter of vouchers as a solution to the public school problem and they are using the discontent and the vulnerabilities of the African-American parent as a weapon. They are taking polls, encouraging African-American partners to speak out in favor of vouchers, and unwittingly many African-American parents and African-American leaders are contributing to the process of eroding support for the public schools.

I want to link these two and at the same time link it to the Congressional Black Caucus legislative weekend that just took place on September 16, 17, 18 and 19. The thing that struck me most about the Congressional Black Caucus legislative weekend was the absence of a sense of urgency about education. Education is something that African-American leaders always applaud any kind of education reform and if you make a proposal for improvements, they will applaud that. They generally will go along and endorse any efforts to improve schools, but my problem is that the energy and the effort that is necessary to make this happen is not there behind the endorsements.

I saw in the Congressional Black Caucus weekend a situation where only the Congressional Black Caucus education brain trust and two or three other forums, issue forums and brain trusts, focused in on education. In none of the dialogue, in the bigger dialogue at the Congressional Black Caucus prayer breakfast or at the dinner, was there a focus on the emergency nature of the educational situation faced by the African-American community.

So what I am doing now is saying to African-American parents and leaders out there in the inner city communities, there is something wrong, I am not certain I know what it is, about the way your leadership behaves on the issue of education. On the issue of education, we do not seem to be able to get any intensity going. We do not seem to be able to get any focused attention

over a long period of time. In order to combat that, I am saying to the parents out there and the ordinary people in the communities and the ministers and everybody else, you better not wait for the leadership, the top leadership in the African-American community to stop the process of abandoning the public schools. You better not wait for the top leadership in the African-American community to really take steps to push for the necessary public funding for school construction. The energy is not there. We need to generate the energy from below.

Where does James Farmer come in? He is the guy who showed us how little people all across the country can do their own thing, can become their own advocates and do not have to wait until the master planners and the folks who are at the top decide to get around to dealing with an issue. During the civil rights movement, during the 1960s, there was a great deal of activity by parents pushing to improve the schools and people have asked, why is that not happening now, why have parents in the inner city communities gone to sleep? Why are they so chaotic? Why are they so devastated that they cannot respond to what is happening? The atrocities continue in the school systems in the big cities every day and parents do not seem to be able to respond.

My first answer to that question is that during the 1960's, the civil rights movement provided leadership for parents, also. The activists in the civil rights movement helped to organize parents. Parents were organized but they were also stimulated to do for themselves and they were handed the tool by people like James Farmer:

> If you don't like what's happening in the schools, you better go out there and get a picket, line up, you better sit in at the school, you better raise hell about what's going on in order to get the attention of the people who make the decisions.

That formula is not obsolete. It is still a formula which is relevant. I hope that as we look at James Farmer's life and pay tribute to him over the next month or so, there things do not last long, people die, we have memorial services, and then they are forgotten. I do not want him to be forgotten.

There is a book that has been reissued. His autobiography has been reissued. I would like to commend to people who want to really know what James Farmer is all about to read the book, ''Lay Bare the Heart,'' the autobiography of the civil rights movement by James Farmer, and listen carefully to the basic message he had to offer, that everybody in America has the right and has the opportunity to fight for themselves.

Direct action, direct action which is nonviolent. I cannot stress too much that James Farmer came out of the nonviolent direct action movement. Gandhi and the Fellowship of Reconciliation and all the people who have insisted that you can be revolutionary without picking up a gun, you can be revolutionary without resorting to violence, you can be revolutionary by letting yourself become the object of the hatred of the enemy by taking a lot of abuse and by absorbing a lot of the energy of those who hate, James Farmer was a major proponent of that. We know Martin Luther King as a proponent of nonviolence more so because, of course, Martin Luther King mobilized great masses of people and made a mark definitely in terms of the media and history. There are elements of all of James Farmer and the direct action in everything Martin Luther King did. They had the same mentors. Gandhi was a mentor, spiritual and philosophical person that Martin Luther King looked up to as much as James Farmer.

As early as 1942, James Farmer pioneered the techniques of nonviolent action against racial discrimination. As the civil rights movement reached its climax in the 1960s, he became its major spark plug and a gyroscope for the struggle. Because of Jim Farmer, the civil rights battle, which was being pursued successfully but slowly in the courts, marched into the streets where the crusade made a greater leap forward.

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He was the role model for the youth and for the masses who found that through nonviolent direct action every individual had the opportunity to bear witness in the fight for freedom.

My last contact with Jim Farmer was at the White House when President Clinton conferred on him the Presidential Medal of Freedom. He greeted me then as he has always over the years. He had the same deep voice and hearty manner of a self-confident and reassuring fatherly counselor. Despite the fact that the ravages of disease had rendered him blind and his limbs were amputated, Jim Farmer's great indomitable spirit was still in no way disabled.

Jim Farmer was probably the most potent role model of the civil rights movement. The young of the 1960s, the youth of the 1960s, were inspired repeatedly by the Farmer steadfast dedication, by his shining integrity and his overwhelming personal courage. Jim Farmer's willingness to constantly place himself in danger on the front lines made his young troops stand up and cheer. From the segregated swimming pools in northern cities to the burning buses in Alabama, Jim Farmer never retreated from the billy clubs and the tortures of racist terror. He was our super hero in the best sense of the concept of heroism.

Jim Farmer inspired ordinary people to take on extraordinary challenges. Unfortunately, the names of thousands who made a difference will never appear in the history books, but the memory of my formative years is electrified by the portraits of Brooklyn CORE members like Oliver and Marge Leeds, Mary Phifer, Elaine and Jerry Bibuld, and Arnold Goldwag. These CORE warriors still stand out in my mind as the bravest and most unselfish people that I have ever known.

I served as chairman of the Brooklyn Congress of Racial Equality for 2 years. My first experience in politics was a run for the city council in Brooklyn, under the Brooklyn CORE sponsorship, the Brooklyn Free and Democratic Party we called it, after the Mississippi Freedom Democratic Party. That was my first foray into politics. We lost badly, Mr. Speaker, but I learned enough to be able to win later on in my second bid for public office.

As a confused and anemic present-day movement for economic and human rights struggles to establish some kind of momentum, and we are confused and anemic these days as we attempt to try to begin to address the many problems that are facing the people on the bottom, it is vitally necessary that we properly interpret at this point and that we assimilate the great and unique legacy of Jim Farmer.

To achieve and sustain peace with justice, the alloy of political leverage and legal maneuvering must also include the steady pressure of individuals bearing witness through nonviolent direct action. It is still relevant; it is not old fashioned. It is for us, the living, to absorb the James Farmer legacy. The challenge is for us, the living, to utilize that legacy to move humanity forward. In the great complex fabric of our American democracy, the strategies, the tactics, and the instruments for gaining and preserving the fullest measure of our freedom must also be complex, intricate, and dynamically diverse. The power of nonviolent direct action must again be accorded its rightful place in the arsenal for the advancement of human rights.

Of the struggle, in the advancement of the struggle, the elements that were there before are still necessary. The courtrooms are very appropriate, the appropriate beachheads in the fight of justice. We still need legal actions in the courts. The halls of city councils and State legislatures and certainly the United States Congress will always be vital battle grounds in our fight for freedom and for human rights, but the picket lines and the sit-ins and the marches, the nonviolent personal confrontations with injustice, wherever it may be, are the initiatives that have been too long neglected.

The movement for universal justice and for the opportunity for all to pursue happiness has become bogged down. It is mired in trivia and ineptness. Those who suffer most have retreated into suicidal apathy. They will not even exercise their right to vote. We fought for so long. So many people died, and so many people were injured and humiliated. James Farmer spent many weeks in jail in the South pushing for voter registration. James Farmer was the organizer of the Mississippi

Freedom Summer where Chaney, Goodman and Schwerner, three civil rights workers, two white from the North, and one from the South were murdered. Those people were fighting for the right to vote and now have the right to vote, and more than 50 percent of the people do not bother to come out to vote in the African American community. As my colleagues know, these great masses are looking for somebody else to deliver them. They huddle and wait for someone else to fight for them.

We need to activate them; we need to let them know that they must fight for themselves. If we return to nonviolent direct action around the grievances that they consider important, maybe we will get them to understand the connection, the vital connection between their vote and their overall welfare in this democratic society of ours.

In tribute to the pioneering spirit of James Farmer, it is imperative that we re-examine our present strategy and our tactics and our styles. Especially the leadership of the African American community needs to re-examine our strategy, our tactics and our style. Our tactics have locked out a large number of people who should be allowed to fight for themselves. The fortresses of mega-greed, corporate totalitarianism, and systemic racism must be assaulted with new vigor and with the old diversity of weapons which includes nonviolent, direct action. Jim Farmer's approach guided the sit-ins and the voter registration marches. Few civil rights leaders were beaten, gassed, and arrested as many times or stayed in jail as many days as Jim Farmer.

But this bold leader and fighter for civil rights was not a wild and reckless radical. Jim Farmer was not a wild and reckless radical. The freedom rides, the Mississippi Freedom Summer and all other court actions were planned with great concern for the lives of the participants and with a clear focus on a specific segregation or human rights violation target.

As part of a five-point procedure Farmer mandated that every action must be preceded by a clear statement of the grievance and an opportunity to negotiate must be provided. Jim Farmer also reflected deeply on the fate of the African American community that was to come. After you broke down the walls of segregation, what would it be like? He was constantly preoccupied with that.

Under Farmer's tutelage and inspiration, CORE chapters all over the Nation launched initiatives against slum landlords and inadequate government services. The CORE strategy and tactics extended under Farmer's leadership into community action, into economic develop projects; and finally Farmer also encouraged youthful CORE members to enter the political arena where more than a few of his proteges have carried the action into city councils, State legislatures and the halls of Congress.

I consider myself one of Jim Farmer's proteges. The first time I ran for city council and lost, CORE was in dire economic straits, and the national CORE office was broke. They were struggling to meet day-to-day expenses, and because Jim Farmer had encouraged me to run for office, when I went to the office and asked for contributions and some help, I remember he took one of the badly needed $300 away from the planning process to meet the payroll and other expenses, and he gave me a check for $300 from my city council campaign. We lost and lost badly; but as I said before, what I learned in that campaign allowed me to survive and persevere in later runs for public office in the State Senate and in the Congress.

So he encouraged youthful CORE members way back then, the late 1960s, to enter the political arena, and more than a few of us. There are many city council persons and members of State legislatures as well as several Members of Congress who are proteges of Jim Farmer. His restless spirit led him into the Federal Government to promote a massive literacy and adult education program. Beyond his monumental courage and overwhelming dedication, James Farmer had an extraordinary vision which decades ago allowed him to see the great challenges of economic development and education which still command our attention today.

He was a man of action and a man of thought, a man with a booming voice and a penetrating vision, a man of great humility who was bold and audacious with his courage. He sounded the trumpet that inspired the downtrodden, and it inspired the youth to rise up and march for themselves. He was a rare world-class leader and a great American spirit, James L. Farmer.

Mr. Speaker, I enter this portion of my speech in its entirety in the RECORD:

JAMES FARMER—A GREAT AMERICAN SPIRIT

As early as 1942, James Farmer pioneered the techniques of non-violent action against racial discrimination. As the civil rights movement reached its climax in the sixties, he became its major sparkplug and a gyroscope for the struggle. Because of Jim Farmer, the civil rights battle, which was being pursued successfully but slowly in the courts marched into the streets where the crusade made a great leap forward. He was the role model for the youth and for the masses who found that through direct action every individual had the opportunity to bear witness in the fight for freedom.

My last contact with Jim Farmer was at the White House when President Clinton conferred on him the Presidential Medal of Freedom. He greeted me then as he always has over the years. He had the same deep voice and hearty manner of a self-confident and reassuring fatherly counselor. Despite the fact that the ravages of disease had rendered him blind and limbs were amputated, Jim Farmer's great indomitable spirit was still in no way disabled.

Jim Farmer was probably the most potent role model of the civil rights movement. The youth of the sixties were inspired repeatedly by Farmer's-steadfast dedication, shining integrity and overwhelming personal courage. His willingness to constantly place himself in danger on the front lines made his young troops stand up and cheer. From the segregated swimming pools in northern cities to the burning buses in Alabama, Jim Farmer never retreated from the billy clubs and torches of racist terror. He was our superhero in the best sense of the concept of heroism.

Jim Farmer inspired ordinary people to take on extraordinary challenges. Unfortunately, the names of thousands who made a difference will never appear in the history books. But the memory of my formative years is electrified by the portraits of Brooklyn CORE members like Oliver and Marge Leeds, Mary Phifer, Elaine and Jerry Bibuld, and Arnold Goldwag. These CORE warriors still stand out as the bravest and most unselfish people that I have ever known.

As the confused and anemic present day movement for economic and human rights struggles to re-establish momentium, it is vitally necessary that we properly interpret and assimilate the great and unique legacy of Jim Farmer. To achieve and sustain peace with justice, the alloy of political leverage and legal maneuvering must also include the steady pressure of individuals bearing witness throughout direct action.

It is for us the living to absorb the James Farmer legacy; the challenge is for us the living to utilize that legacy to move humanity forward. In the great complex fabric of our American democracy, the strategies, tactics and instruments for gaining and preserving the fullest measure of our freedom must also be complex, intricate, and dynamically diverse. The power of non-violent direct action must again be accorded its rightful place in the arsenal for the advancement of the struggle. The court rooms are appropriate beachheads in the fight for justice. The halls of city councils, State legislatures, and the United States Congress will always be vital battlegrounds. But the picket lines and the sit-ins and the marches; the non-violent personal confrontations with injustice are the initiatives that have been too long neglected. The movement for universal justice and for the opportunity for all to pursue happiness has become bogged down, mired in trivia and ineptness. Those who suffer most have retreated into suicidal apathy. They won't even exercise their right to vote. Great masses huddle and wait for someone else to deliver them.

In tribute to the pioneering spirit of James Farmer, it is imperative that we reexamine our present strategy, tactics and styles. The fortresses of mega-greed, corporate totalitarianism, and systemic racism must be assaulted with new vigor and with the old diversity of weapons, which includes non-violent direct action.

Farmer's approach guided the sit-ins and the voter registration marches. Few civil rights leaders were beaten, gassed, and arrested as many times, or stayed in jail as many days as Jim Farmer. But this bold fighter was not a wild and reckless radical. The freedom rides, the Mississippi freedom summer, and all other CORE actions were planned with great concern for the lives of the participants, and with a clear focus on a specific segregation or human rights violation target. As part of the five point procedure, Farmer mandated that every action must be preceded by a clear statement of the grievance and an opportunity to negotiate must be provided. Jim Farmer also reflected deeply on the fate of the African American community after the walls of segregation had been torn down. Under Farmer's tutelage and inspiration, CORE chapters all over the Nation launched initiatives against slum landlords and inadequate government services.

The CORE strategy and tactics extended into community action and economic development projects. And finally, Farmer also encouraged youthful CORE members to enter the political arena where more than a few of his proteges have carried the action into city councils, State legislatures, and the Halls of Congress. His restless spirit led him into the Federal Government to promote a massive literacy and adult education program. Beyond his monumental courage and overwhelming dedication, James Farmers had an extraordinary vision which decades ago allowed him to see the great challenges of economic development and education which still command our attention today. He was a man of action and a man of thought; a man with a booming voice and a penetrating vision; a man of great humility who was bold and audacious with his courage. He sounded the trumpet that inspired the downtrodden and the youth to rise up and march for themselves. He was a rare world class leader and a great American spirit—James L. Farmer.

There were other Members of Congress who were at the tribute for Jim Farmer. The gentleman from Georgia (Mr. LEWIS) considers Jim Farmer to be a great mentor of his, and the gentleman from Georgia was with Jim Farmer on the ride, the well-known bus ride through the South to end segregation in interstate transportation. The gentleman from Georgia (Mr. LEWIS) was there when the bus was burned. The gentleman from Georgia (Mr. LEWIS) was beaten badly on several occasions. The gentleman from Georgia (Mr. LEWIS) was in jail in Mississippi with Jim Farmer.

The gentleman from South Carolina (Mr. CLYBURN), the chairman of the Congressional Black Caucus, was another person who considers Jim Farmer as his mentor, and I think that it is very interesting that, and there are other people who are Members of Congress who were touched, whose lives were touched by Jim Farmer. I hope that those disciples and the people who joined with me on September 10 in the tribute to Jim Farmer at the John F. Kennedy Center will understand my plea tonight, and that plea is that we must change our tactics and our strategy and our style in order to deal with the problems confronting us in education.

Mr. Speaker, to bring these pieces together, let me just quickly repeat what I am trying to do tonight is to make a linkage between the memorial service for James Farmer which highlighted his contribution to our great American civilization and the relevance of Jim Farmer's legacy to current problems that we face; and no problem is more important in the African American community than the problem of education.

As my colleagues know, I cannot repeat too often the fact that survival of the African American community is dependent on a number of factors, but if we do not have a great improvement in the systems which educate our children all over the country, we are not going to survive; we are not going to be able to deal with the complexities of a modern cyber-civilization. We cannot keep falling behind at the rate that we are falling behind, and I can document that we are falling behind at a rapid rate.

It may not be as bad in some of the schools and smaller cities across the Nation. In fact, I am a native of Memphis, Tennessee, and I often tell people that when I went to school in Memphis, Tennessee, in the 1950s and the 1940s, we had a school system at that time which was segregated, but the segregated school system that I went to was superior to the New York City school system right now, and that is not an exaggeration.

The New York City school system is steadily declining, steadily getting worse; and you can document this easily. The reading scores, the math scores, they document it in one respect, but you can look at the fabric of the system where every year more and more children enter the system which has 1.2 million children, 1.2 million children in the system.

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We have 1,200 schools. We have more than 60,000 teachers. It is a huge system and in that system the majority of those schools are overcrowded. At least a fourth of those schools have twice as many students as the school was built for.

Large numbers of those schools are forcing children to eat lunch at 10:00 in the morning because they have to have a cycle. They have to cycle the kids through the cafeteria. There are so many youngsters, in order to cycle them through the cafeteria some of them have to eat as early as 10:00 in the morning. Some have to eat lunch as late at 1:30. It is ridiculous and it is child abuse but it is systematic. It is going on in so many schools that they do not think of it as child abuse anymore.

The New York City school system, in order to save money, 10 years ago they started forcing out the most experienced people, the most experienced supervisors and principals, superintendents, not so much superintendents but principals and assistant principals and teachers. They were given buy-out incentives. They were encouraged to leave the system. They could get more money and they would doctor it so they would get an upfront amount. It was so lucrative until thousands of teachers left the system; supervisors, principals left the system.

An operation cannot be run with inexperienced people. I do not care how brilliant they are. It may be that our schools of education, our business management schools, wherever we get principals and assistant principals from, they are doing a great job. I do not see that from my individual experiences with these principals and assistant principals, but maybe. No matter how well educated they are, anybody who has ever been in an administrative position knows that there are some things we learn from experience that we can only learn from experience. If a system is robbed of the experienced people, the damages can be calculated that are going to be done.

So 10 years ago, we started this raiding of the system. Even now it goes on because of some notion that the mayor of the city and the chancellor of the school system, we have a chancellor who is over all this, and then we have superintendents of 32 districts, it is a big bureaucracy, the chancellor and the mayor have decided they want to beat the principals into submission.

They want to take away tenure. I think that is a good idea, that principals should not have lifetime tenure, that as managers and executives they ought to measure up and be able to deal with their performance and if their performance is not up to par, they lose their jobs like anybody else. So tenure ought to be taken away.

The way the system works, the legislature would have to act to force the principals to do this. The legislature refuses to do this. The principals in the bargaining process will not give up their tenure. So we have been in a stalemate for almost 2 years. For 2 years we have had a situation where the principals are frozen into a situation where they cannot get raises. The contract is such that they cannot get raises for the principals. The people under them, the people under them who are teachers, have gotten raises. There are some experienced teachers in schools who now earn more than the principal because of the fact that they have been frozen.

With all of these principals frozen in place, many of them have decided to retire. The process of taking away the experienced people is accelerated.

The New York Times had an editorial last week which said it is time for the chancellor and the mayor to accept a compromise. There ought to be some kind of compromise because if the principals are frozen, and they are more and more disgruntled and see that their position is being eroded not only in terms of their pay relevant to the pay of the teachers under them but also their authority, they are resigning and moving to the suburbs where there is a great demand for experienced educators. They are not losing. We are losing.

There are schools all around New York City. There are schools across the river in New Jersey. There is a demand for experienced educators, good or bad. Maybe they are not so good. Maybe they are holding on to tenure because they believe that a performance review system would jeopardize them in some way, but they are not having problems getting jobs. So we are further eroding the leadership, the management of the system, by holding on to this negotiation position that the city, through the mayor and the chancellor, have.

The New York Times is right. It is time to compromise. We compromise everywhere. In Detroit, the automobile companies would not hold out forever.

If they are missing sales of cars and if the competition is getting ahead of them for various reasons, strikes and collective bargaining procedures are always subject to some kinds of compromise. So we need to compromise on that issue.

The parents who sit and watch this chaos are getting more and more disheartened. When a survey is taken, they say we would like vouchers. If a parent is asked do they think the public school system has any future, is it really going to be able to improve, does their child have a chance of really learning enough to qualify to go to college, the parents have decided with all of this chaos going on, 52 percent of them right across the country in the urban centers say we would prefer vouchers to the public school system.

I do not doubt that survey. I do not doubt the fact that that is an honest survey. The people who say that is happening, I know why. They have given up. The parents have given up. They have been sold a bill of goods about what the solution is because if we were to try to transfer large numbers of children into the private school system if vouchers were available, if there were publicly financed vouchers, the private system is not able in any way to take the public school students.

We have 53 million children in America who go to public schools. The private school system has been steadily about 10 percent of that for years. There is no way we can solve the problems of education for the parents in the inner city communities or anywhere in America by just shifting the children from the public school system to the private school system. So they are being sold a bill of goods. They are being told that they can raise part of the money themselves. Scholarships and vouchers, private scholarships, have been made available to a large number, but people who are in gross poverty cannot take $1,500 as a scholarship, and given the fact that they are struggling to put food on the table be able to pay the rest of the tuition on an ongoing basis.

I know. I have met many of the parents who already are saying, I struggle. I raised the first tuition payment, but we are falling further and further behind. We are going to have to take our kid out of the private school and put him back in public school. Large numbers are shifting back to public schools because of the fact that they cannot go the extra mile.

Poverty is not understood by the leadership. I was born poor, and I know what it is all about. The extra money is not available for $1,500 in tuition a year; and anybody who has ever had a child in a private school knows it is far greater than that. My children were in private schools in pre-school. They were in public schools all their elementary and secondary school life, but as pre-schoolers they went to a private school.

We had to pay the tuition and raise money all year long. There are various ways in which the private schools are asking parents to contribute more money and to help raise money and usually the contribution, a large part of the contribution, is not raised in selling tickets and stuff. It comes out of your pocket, and the pressure to put more and more in is there.

So the private schools, with all due respect to the people who want to advocate vouchers, it would take 30 or 40 years to replace the present system with a private school system, even if there was full support from the government and full support from the private sector.

The experiments that are going on now are totally inadequate in terms of the amount of money that the private sector is willing to make available to parents and we are going to see a collapse of most of those efforts because the poverty is too great to help the people who need the help the most.

Why am I dwelling on this? The message has to go to the African-American leaders. The people who were at the Congressional Black Caucus weekend are the leaders. People come from all over the country. I do not know how many thousands we had there. I think we had 5,000 people at one dinner. So these are teachers and these are lawyers and these are doctors. These are the people who provide leadership in our communities, and ministers, and they were not focused on this problem. They have not gotten the message that underneath them our communities are crumbling because of the poor education system. New opportunities are being created at the level of higher education.

I welcome and I congratulate Bill Gates who announced less than 10 days ago that he is going to provide a billion dollars for scholarships not to poor but minorities, African-Americans, Hispanic-Americans, Native Americans, a billion dollars over a 20-year period. They estimate they will be able to supply 1,000 scholarships per year for 20 years. These are extraordinary scholarships that they are offering. They are going to pay for the whole 4 years all expenses of the student for 4 years, minus any scholarships that the student was able to get otherwise.

Basically, there cannot be a better deal than that; all expenses paid for 4 years and a thousand students are going to be able to benefit from that each year.

In my district, the first question that came to my mind, how many of the youngsters here will be able to qualify for those scholarships? There is a simple process for selecting. Part of it is the recommendation of the principal of a high school. Part of it is a grade average and part of it is the score on the test. When it comes to the scores on the test, there is going to be a real problem because the kids in my district are consistently scoring low in reading and low on math. When they get to high schools and the SATs they also score very low.

Why do they score low? Because the system is crumbling. A survey was done 2 years ago which shows that most of the junior high schools in my district and districts like mine, where the bulk of the African-Americans and Hispanic children go to school, that is two-thirds of New York, in two-thirds of New York districts there are no teachers in junior high schools teaching math and science who majored in math and science in college. There are no teachers in junior high school. The high school teachers complain greatly about the lack of preparedness of students when they get to high school, and in high schools most of the high schools have trouble keeping physics teachers.

In many of the high schools, there are some high schools who have not seen a physics teacher in a long time who majored in physics in college. That is the kind of emergency situation we are in. Physics teachers, science teachers are in shortage all over the country but we have a situation in New York where we have high schools that are the best in the world, there are three or four high schools that consistently score high on any national exams, they win the Westinghouse contest and all the national science contests, there are four or five schools that do that, high schools, but the majority of our students do not go to those schools. They do not have access to that kind of education with respect to science.

So no matter what Bill Gates does or a number of other corporate benefactors do, and more and more they are entering the arena and trying to encourage more and better education by minorities, they see this pool of people who have to fill the gap and fill these vacancies in information technology, a number of other places where vacancies are more and more evident, probably no more so than information technology. The world of the computer and the world of cyber civilization we are going into will come to a halt if we do not have more people coming out of our higher education institutions that are competent to fill those jobs.

What we have now is that large numbers of the white middle class youngsters have computers in the home. They are exposed to computer education in school but those are not the youngsters who are going to become the information technology experts. Those are the young people who are going to become doctors and lawyers, professionals. They are going to move on and the large gap is going to still be there for the information technology professionals who make less than doctors and lawyers but they will be able to make a good living.

We have to have a pool, a vast pool, to draw from in order to fill the positions that are constantly being made available and will be more and more available as time goes on.

In order to do that, the public schools are the only place we can turn

to, unless we seek temporary solutions that are very dangerous. We have voted in this Congress for one of those temporary solutions. We voted to lift the immigration quota for professionals. I think it is 90,000 people now and they are coming back to ask for more legislation to increase the quota to bring in more information technology specialists from India, from other foreign countries, English-speaking countries in particular but others. There is going to be a vast number coming in from outside who will not stay to contribute to our economy for very long. They will not pay into Social Security and keep Social Security healthy in the future.

It is a dangerous way to operate, to ignore the natural working population and not develop that population, that workforce, and call on foreign reserves and foreign resources. That is very dangerous. So I am very upset and would like to have African American leaders look to the spirit and the example of Jim Farmer. Let us get involved. Let us tell the people out there they have to get involved. The parent-teachers associations, the churches, they have to get involved specifically to deal with the problems of their own school.

□ 2045

If one is an inexperienced principal, there is probably chaos there that somebody needs to watch, somebody needs to highlight, in order for the people in charge, the superintendents, the mayors to step in and end the chaos. There are no books, no supplies, which is the case in many cases; we should deal with that.

Most of all the problem of the physical decay of the schools poses a direct danger. Large numbers of schools that have coal burning furnaces in New York City pose a direct danger. We have a large asthma problem, an asthma epidemic. Part of that epidemic is contributed to by the schools that need to change the furnaces. We need money for that in the construction and modernization fund.

At the Congressional Black Caucus, we did have some efforts to try to make a breakthrough on this. One of those events I held on September 17, and it was designed to send a message to the parents out there in the various neighborhoods, all the parents in the inner city communities. The message is: Do not give up hope. Do not abandon the public school system or contribute to the abandonment of the public school system by seeking solutions that are not real solutions. Vouchers are not a solution. We would like for them to know that they have help.

I had a press conference which I call a ground-breaking press conference. I was attempting to bring together and did bring together people from the labor movement and people from the private sector, corporate sector. We had contractors as well as unions who appeared at this ground-breaking press conference to proclaim their unity with us and let the vulnerable and discouraged black parents out there know that we have powerful allies in an attempt to get school construction on the agenda here.

We have an announcement that the surplus is bigger this year than it was contemplated, which means that the projections for the surplus over the next 10 years are probably going to be pretty close to what has been stated.

I have a bill which talks about a 5-year commitment of $110 billion for school construction. I am going to amend that bill to change it to make it a 10-year commitment of $110 billion because we are talking about 10-year scenarios. We have a tax bill which is a 10-year scenario for $792 billion. I think we ought to put on the table a 10-year scenario for school construction for $110 billion. This will be money that is directly appropriated to every State in accordance with the number of school-aged children in the State, a fair distribution formula to deal with the modernization, wiring. Sometimes schools are in pretty good shape, but they need security measures. Whatever the infrastructure, the physical infrastructure needs, this funding of $110 billion over a 10-year period would provide.

Many people say, well, that is too much. It is outrageous. Well, I think we have got a scenario where a trillion dollars is on the table for the next 10 years, and we are going to take $792 billion of that and propose that for taxes. The President agrees there should be some tax cuts. It will not be $792 billion. It may be $300 billion. There is going to be a tax cut of some magnitude. Let us have, at the same time, on the same table, in the same package a rational, reasonable, adequate package for school construction.

So at this press conference, commitments were made by the labor community, by the contractors. We have the Nat LaCour of the American Federation of Teachers; Joel Parker of the National Educational Association; Vincent Panvini of the Sheet Metal Workers, Director of Governmental Affairs of Sheet Metal Workers; Paul Parker, the Executive Director of the Sheet Metal and Air Conditioning Contractors; Bill Bonaparte. Bill Bonaparte is the National Electrical Contractors Association. The private sector people who want to be involved are enormous: Starla Jewell, the Executive Director of the National Community Education Association; Michelle Kavatelle, the director of the America Online Foundation; David Keane, the Associate Director for Government and Labor Relations of the Mechanical Contractors Association of America; and Mary Filardo, the Executive Director of the 21st Century School Fund.

At this press conference, they all pledged to join me in sending this message to the African-American parents that they have friends, they have allies who are powerful. They are not alone. Do not give up. Do not abandon the public school system.

At this press conference, we have pledges of help that will come from these people in various ways. We agreed to launch, on November 16, the date for the national education funding support date a campaign which will go for a year. Our motto is simple: ''Build schools.'' The motto of ''Build Schools'' will be the motto for a whole year, starting national education funding day; instead of funding support day, we want to make it a funding support year.

So we are going to launch a campaign in November that will go right through to next November; and the motto is: ''Build schools.''

The year 2000 is the year we want to make a breakthrough. Why the year 2000? Because it is apparent that in the next few weeks here we are not going to see a what I call an in-game negotiation. The President and the Congress will not negotiate that projected 10-year surplus. That will be negotiated as we approach the election of the year 2000.

It is going to happen next year. We can plan and strategize, and we have the advantage. The message should go out that the parents, not only the parents in the African-American community, but the communities out there in general believe that the Federal Government should do more in aid to education. They believe that the Federal Government should provide help in the area of school construction.

The polls are on our side. We need to remember that. We need to mobilize and crystallize the sentiment and focus it so that they will understand that it is not enough to appropriate pennies for school construction.

Right now we have zero in Federal involvement. We need to move to a significant Federal involvement. There is time to do that starting now.

The commitment was made to have a campaign that will go all the way to the spring of 2000. In the spring of 2000, we have pledged to have a ''Build Schools'' conference where all of the same partners who came together on September 17 at the ground-breaking press conference, all those same partners will act in solidarity to promote and to sort of increase the momentum for school construction.

We define victory as any breakthrough that gets Federal dollars into the school building pipeline. That means that H.R. 1660, the bill that comes out of the Committee on Ways and Means is certainly a breakthrough. It is a tax credit provision sponsored by the gentleman from New York (Mr. RANGEL). It has received the endorsement of the full Democratic Caucus which launched the motion to discharge. I am a cosponsor on that bill.

But it also means H.R. 1820, the bill that I have sponsored which calls for $110 billion over a 5-year period. We are going to change that now to a 10-year period.

Most of the initiatives that we are going to undertake relate to activities which are designed to mobilize the African-American community. I held this press conference. I called in these leaders of labor and the private sector at the beginning of the Congressional Black Caucus legislative weekend, because I wanted to send the message not only to the people out there in the communities, the parents and the community leaders, but I wanted to send a message to my fellow caucus members. We are not doing enough.

In the spirit of James Farmer, we should seize the initiative and come to grips with the problem of school improvement, education improvement. At the heart of that is a physical facility. If one has a religion, and the temple, the church, the physical facility is allowed to crumble and decay and obviously be neglected, then it sends a message to all that the people who are advocates of that religion, the heritage of that religion are not serious.

Ethnic cleansing in Yugoslavia became a bloody, burning, nasty set of atrocious activities that made the whole world want to vomit. Thousands have been confirmed as murdered and the estimates continue to climb. The Serbs attempted to drive out the Albanians in obvious and crude ways. African-America cleansing in America is moving forward to a far less alarming but more subtle and certain manner. It is moving forward in a far less alarming, but more subtle and certain manner.

Listen. African-American cleansing. One can destroy the education for the children of a group, and one can destroy the group without firing a single shot. In a complex world today, people can be destroyed by the act of refusing to provide a relevant education for their children.

The present movement toward the abandonment of the public school system greatly endangers the survival of the African-American community. We are going to be reauthorizing Title I of the Elementary Secondary Education Assistance act this week. This Wednesday it is scheduled for the calendar. It is one more series of attempts to abandon the public school system that has to be fought.

Education is critical for survival. The oppressed South African blacks clearly understood this truth when they rebelled against Bantu Education. The famed uprising at Soweto was led by school children who understood that they were being systematically crippled in their classrooms. In America, there is no official conspiracy to intellectually deform African-American children. But benign neglect, bureaucratic bungling and the savage inequalities like the one described by Jonathan Kozol, accidentally accomplish the same devastating results.

The current emphasis on privatization and vouchers, coupled with education budget cuts and the refusal of both Republicans and Democrats to support meaningful school modernization and construction appropriations by the Federal Government will produce a massive Soweto-like impact in the large cities where the majority of African-American youth live.

In too many local education agencies, the schooling process is already merely a ceremony. Routinely assumptions are made that black students cannot emerge from the standard 12-year education regiment with a level of accomplishment which enables them to cope with present-day occupational and personal management challenges.

School systems go through enough motions to justify the economic activity which finances teachers salaries, custodial personnel, supplies, equipment, and administrative bureaucracy. But in too many instances, they are content not to focus on the end product and what they are achieving there.

The current acceleration of this minimal, of fraudulent education process as a result of less resources and highly visible decaying infrastructure has produced an unrecognized crisis for African-Americans. In full view, the commitment to meaningful public education is steadily being withdrawn by elected officials.

New York City had a $2 billion surplus, and not a penny was spent on trying to refurbish, renovate, or build any new schools. New York State had a $2 billion surplus, and they refused, and the Governor vetoed a $500 million proposal for school repair.

So at the local level, we have a steady withdrawal of support for public schools. The clearest reflection of this danger is this brick and mortar disaster. Crumbling school buildings send a loud message stating that pedagogical and administrative infrastructure is also collapsing. If the buildings are collapsing, then do not expect much to be happening inside them. There is no commitment in there either.

A total abandonment of public education in America is a possibility. While private alternatives are shuffled around, a generation of students could be lost. More than African-American children of course would be placed at risk by this public policy blunder. The education of all children of working families who cannot afford private schools is at stake.

But I appeal, especially to the African-American leadership to get moving. In the spirit of James Farmer, come to grips with the problem, focus on it as being the number one survival problem in our municipalities.

In the spirit of James Farmer, the leadership has to shun or understand that there are no headlines out there for people who work in the vineyard trying to improve schools and trying to get funds for school construction. They have to understand that right out from under them, while they think that they are leaders, right out from under them, the people who matter most, our constituents, are discouraged. They feel vulnerable. They feel abandoned.

I want to end with a few quotes from Jim Farmer, and I do this in the spirit of urging that the leadership of the African-American community, starting with my colleagues in Congress, remember Jim Farmer as a man of action and a man who provided the opportunity to act for the people who were suffering.

Jim Farmer, after the attacks on the Freedom Riders said, ''When dogs bite in Birmingham, we bleed everywhere.'' Evil societies always kill their consciences. The NAACP is the justice department, the Urban League is the state department, and Corps members are the nonviolent marines.

□ 2100

''The time is not for jail-going and bleeding heads, but for long-range planning and sophisticated strategizing. There will be fewer demonstrations and more celebration. Our Nation deceives itself with the fiction that the task is complete and racism is dead and all is well. The myth surrounds us that America has suddenly become color blind and that all that remains is our economic problem. No greater lie has ever been told, and the tellers of it, if they have eyes to see and minds to think, must know it.''

That comes from the epilogue of the James Farmer book, which I mentioned before, Lay Bare The Heart. ''Our Nation deceives itself with the fiction that the task is complete and racism is dead and all is well. The myth surrounds us that America suddenly has become color blind and that all that remains is our economic problem. No greater lie has ever been told, and the tellers of it, if they have eyes to see and minds to think, must know it.''

African-American leaders are the people who ought to know it, and we urge them very much to open their eyes.

RECESS

The SPEAKER pro tempore (Mr. WAMP). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

□ 2149

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 49 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 68, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report

(Rept. No. 106–342) on the resolution (H. Res. 305) providing for consideration of the joint resolution (H.J. Res. 68) making continuing appropriations for fiscal year 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of family business.

Mr. REYES (at the request of Mr. GEPHARDT) for today and September 28 on account of a funeral.

Mr. WU (at the request of Mr. GEPHARDT) for today and the balance of the week on account of the birth of Sarah Elizabeth Wu.

Mrs. JOHNSON of Connecticut (at the request of Mr. ARMEY) for today and September 28 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CLAYTON) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

(The following Members (at the request of Mr. DEMINT) to revise and extend their remarks and include extraneous material:)

Mr. DEMINT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 28, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4475. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Central Arizona Marketing Area; Suspension of Certain Provisions of the Order [DA–99–05] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4476. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Revision of the Sampling Techniques for Whole Block and Partial Block Diversions and Increasing the Number of Partial Block Diversions Per Season for Tart Cherries [Docket No. FV99–930–2 FIR] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4477. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Administrative Regulations; Submission of Policies and Provisions of Policies, and Rates of Premium (RIN: 0563–AB15) received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4478. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting the annual report on conditional registration of pesticides for 1997 and 1998, pursuant to 7 U.S.C. 136w–4; to the Committee on Agriculture.

4479. A letter from the Director, Office of Management and Budget, transmitting the OMB Sequestration Update Report to the President and Congress for Fiscal Year 2000, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on Appropriations.

4480. A letter from the Office of the Under Secretary, Department of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Deparmtnet of the Navy (DON) for possible performance by private contractors, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

4481. A letter from the Senior Civilian Official, Department of Defense, transmitting a Plan for Development of an Enhanced Global Positioning System: A Report To Congress July 1999; to the Committee on Armed Services.

4482. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting the TRICARE Prime Remote Report to Congress; to the Committee on Armed Services.

4483. A letter from the The Under Secretary of Defense, Department of Defense, transmitting a Report Regarding Use of Tagging Systems to Indentify Hydrocarbon Fuels Used by the Department of Defense; to the Committee on Armed Services.

4484. A letter from the Secretary, Department of the Treasury, transmitting a Report on the Audited Fiscal Years 1998 and 1997 Financial Statements of the United States Mint [OIG–99–078]; to the Committee on Banking and Financial Services.

4485. A letter from the Assistant General Counsel for Regulations, Office of the Secretary-Office of Lead Hazard Control, Department of Housing and Urban Development, transmitting the Department's final rule—Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance (RIN: 2501–AB57) received September 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4486. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Tenant-Based Assistance Programs Statutory Merger of Section 8 Certificate and Voucher Programs; Correction [Docket No. FR–4428–C–03] (RIN: 2577–AB91) received September 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4487. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Agency Plans; Change in Plan Submission Dates [Docket No. FR–4420–F–04] (RIN: 2577–AB89) received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4488. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4489. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 1996 Community Services Block Grant Statistical Report; to the Committee on Education and the Workforce.

4490. A letter from the Secretary, Department of the Treasury, transmitting an annual report to the President and to the Congress on the audit of the Telecommunications Development Fund, pursuant to 47 U.S.C. 614; to the Committee on Commerce.

4491. A letter from the Assistant General Counsel for Regulatory Law, Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Internal Dosimetry Program Guide [DOE G. 441.1–3] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4492. A letter from the Assistant General Counsel for Regulatory Law, Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Radiation Safety Training Guide [DOE G 441.1–12] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4493. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxides Budget and Allowance Trading Program [CT–053–7212a; A–1–FRL–6443–1] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4494. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Oceanside and Encinitas, California) [MM Docket No. 99–170 RM–9545] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4495. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Berlin and North Conway, New Hampshire) [MM Docket No. 97–216 RM–9153] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4496. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dove Creek, Colorado) [MM Docket No. 99–203] (Hazelton, Idaho) [MM Docket No. 99–205 RM–9624] (Flagstaff, Arizona) [MM Docket No. 99–210 RM 9629] (Kootenai, Idaho) [MM Docket No. 99–213 RM–9641] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4497. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elgin, Oregon) [MM Docket No. 99–155 RM–9606] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4498. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.2020(b), Table of Allotments, FM Broadcast Stations (Hamilton City, California) [MM Docket No. 99–182 RM–9585] (Lost Hills, California) [MM Docket No. 99–184 RM–9587] (Maricopa, California) [MM Docket No. 99–185 RM–9588] (Golden Meadow, Louisiana) [MM Docket No. 99–189 RM–9592] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4499. A letter from the Chairman, Federal Communications Commission, transmitting the Auction Expenditure Package for Fiscal Year 1998; to the Committee on Commerce.

4500. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems [Docket No. I.D. 071698B] (RIN: 0648–AJ67) received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4501. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Annual Report for 1998 of the United States Nuclear Regulatory Commission; to the Committee on Commerce.

4502. A letter from the Lieutenant General, USA Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 99–33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4503. A letter from the Lieutenant General, USA Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 99–29), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4504. A letter from the Acting Deputy Under Secretary of Defense, Department of Defense, transmitting a copy of Transmittal No. 09–99 requesting Final Authority (RFA) to conclude a Memorandum of Understanding (MOU) with Canada related to the Development, production and Initial Fielding of Military Satellite Communications (MILSATCOM), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4505. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting notification of decisions made by the President regarding the drawdown of articles and services from the inventory and resources of the Departments of Defense, State, Justice, the Treasury, and Transportation, and military education and training from the Department of Defense, to provide counternarcotics assistance to Colombia, Peru, Ecuador, and Panama, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on International Relations.

4506. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4507. A letter from the Director, Administrative Office of the United States Courts, transmitting the annual report disclosing the financial condition of the retirement system for the year ending September 30, 1997, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

4508. A letter from the Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2001, pursuant to 45 U.S.C. 231f; to the Committee on Government Reform.

4509. A letter from the Assistant Secretary Policy, Management and Budget, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in FY 1998, pursuant to 30 U.S.C. 237; to the Committee on Resources.

4510. A letter from the Secretary, Department of the Interior, transmitting a report on the Operations of Glen Canyon Dam Pursuant to the Grand Canyon Protection Act of 1992: Water Years 1998 and 1999; to the Committee on Resources.

4511. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 081399B] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4512. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 990304062–9060–01; I.D. 081699B] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4513. A letter from the Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Trademark Law Treaty Implementation Act Changes [Docket No. 990401084–9227–02] (RIN: 0651–AB00) received August 31, 1999; to the Committee on the Judiciary.

4514. A letter from the Director, Office of the General Counsel, Office of Personnel Management, transmitting the Office's final rule—Voting Rights Program (RIN: 3206–AI77) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4515. A letter from the Executive Director, Olympic Committee, transmitting the 1998 Annual Report of the United States Olympic Committee; to the Committee on the Judiciary.

4516. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Teledyne Continental Motors O–470, IO–470, TSIO–470, IO–520, TSIO–520, LTISO–520, GTSIO–520, IO–550, TSIO–550, and TSIOL–550 Series Reciprocating Engines [Docket No. 99–NE–28–AD; Amendment 39–11290, AD 99–19–01] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4517. A letter from the Secretary, Department of Transportation, transmitting a the annual report titled ''Transition to Quieter Airplanes''; to the Committee on Transportation and Infrastructure.

4518. A letter from the Secretary, Department of Transportation, transmitting a Report On the Activities of the Commercial Space Transportation Program for 1998; to the Committee on Science.

4519. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—October 1999 Applicable Federal Rates [Revenue Ruling 99–41] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4520. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Prohibition of Ex Parte Communications Between Appeals Officers and other Internal Revenue Service Employees [Notice 99–50] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4521. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Work Opportunity and Welfare-to-Work Tax Credits [Notice 99–51] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4522. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Housing Opportunities for Persons with Aids [Rev. Rul. 99–39] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4523. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—IRS Adoption Taxpayer Identification Numbers [TD 8839] (RIN: 1545–AV08) received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4524. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Exempt BOND Administrative Appeal [Rev. Proc. 99–35] received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4525. A letter from the Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2001, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2910. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and for other purposes; with an amendment (Rept. 106–335). Referred to the Committee of the Whole House on the State of the Union.

Mr. PACKARD: Committee of Conference. Conference report on H.R. 2605. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–336). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2841. A bill to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes (Rept. 106–337). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 944. An act to amend Public Law 105–188 to provide for the mineral leasing of

certain Indian lands in Oklahoma (Rept. 106–338). Referred to the Committee of the Whole House on the State of the Union.

Mr. CALLAHAN: Committee of Conference. Conference report on H.R. 2606. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–339). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 2130. 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; with amendments (Rept. 106–340 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on commerce. H.R. 1714. A bill to facilitate the use of electronic records and signatures in interstate or foreign commerce; with an amendment (Rept. 106–341 Pt. 1). Ordered to be printed.

Mr. DREIER: Committee on Rules. House Resolution 305. Resolution providing for consideration of the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2000, and for other purposes (Rept. 106–342). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1714. A bill to facilitate the use of electronic records and signatures in interstate or foreign commerce; with an amendment; referred to the Committee on Judiciary for a period ending not later than October 15, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule x.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2130. Referral to the Committee on the Judiciary extended for a period ending not later than October 8, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRAMER:

H.R. 2951. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize grants to Alabama Agricultural and Mechanical University in Huntsville, Alabama; to the Committee on Resources.

By Mr. DEMINT (for himself, Mr. SPENCE, Mr. SPRATT, Mr. CLYBURN, Mr. GRAHAM, and Mr. SANFORD):

H.R. 2952. A bill to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the ''Keith D. Oglesby Station''; to the Committee on Government Reform.

By Mr. ENGLISH (for himself, Mr. TANNER, Mrs. JOHNSON of Connecticut, Mr. CANADY of Florida, Mr. CARDIN, Mr. MATSUI, Mr. WICKER, Mr. MCDERMOTT, Mr. HOSTETTLER, and Mr. FOLEY):

H.R. 2953. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for recycling or remanufacturing equipment; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 2954. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mrs. MALONEY of New York):

H.R. 2955. A bill to establish a partnership to rebuild and modernize America's school facilities; to the Committee on Education and the Workforce.

By Mr. PALLONE (for himself, Mr. WAXMAN, Mr. MARKEY, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. RUSH, Ms. DELAURO, Ms. PELOSI, Ms. MILLENDER-MCDONALD, Mr. DELAHUNT, Mr. BARRETT of Wisconsin, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. STARK, Mr. SANDERS, Mr. GUTIERREZ, Mr. KUCINICH, Ms. DEGETTE, Mr. BERMAN, Mr. BROWN of Ohio, Mr. CONYERS, Mr. TOWNS, Mr. OLVER, Mr. FARR of California, Mr. JACKSON of Illinois, Mrs. CLAYTON, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. VENTO, Mrs. LOWEY, and Mr. GEORGE MILLER of California):

H.R. 2956. A bill to reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER (for himself and Mr. JEFFERSON):

H.R. 2957. A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska:

H.R. 2958. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 67. A joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 68. A joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. CUNNINGHAM (for himself, Mr. SAXTON, Mr. UNDERWOOD, Mr. BILBRAY, and Mr. GILCHREST):

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning; to the Committee on Resources.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 163: Mr. MICA.

H.R. 219: Mr. GOODE.

H.R. 248: Mr. COBURN.

H.R. 488: Ms. MCKINNEY, Mr. CONYERS, and Mr. LUTHER..

H.R. 534: Mr. SHERWOOD, Mr. MALONEY of Connecticut, and Mr. LATHAM.

H.R. 583: Mr. DELAHUNT.

H.R. 750: Mr. CUNNINGHAM.

H.R. 765: Mr. NUSSLE, Mr. RYUN of Kansas, Mr. LEWIS of Georgia, and Mrs. NORTHUP.

H.R. 771: Mr. KIND.

H.R. 802: Mr. MORAN of Kansas, Mr. EDWARDS, Mr. GREEN of Texas, Mr. FORBES, Mr. BLUMENAUER, Ms. HOOLEY of Oregon, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. KING, Mr. HYDE, Mr. DAVIS of Virginia, Mr. SANDLIN, Ms. MCKINNEY, Mrs. NAPOLITANO, and Mr. HUTCHINSON.

H.R. 826: Mr. PICKETT and Mrs. CHRISTENSEN.

H.R. 961: Ms. MCCARTHY of Missouri, Mr. BERMAN, and Mr. MICA.

H.R. 976: Mr. BONIOR and Mr. VITTER.

H.R. 1079: Mr. UDALL of New Mexico, Mr. HALL of Ohio, and Mr. GIBBONS.

H.R. 1111: Mr. TRAFICANT.

H.R. 1221: Ms. DEGETTE.

H.R. 1226: Ms. MCKINNEY, Mr. GORDON, Mr. FORBES, Ms. BERKLEY, Ms. HOOLEY of Oregon, Ms. CARSON, and Mr. SMITH of Washington.

H.R. 1271: Ms. BERKLEY.

H.R. 1272: Mr. COOKSEY.

H.R. 1305: Mr. CUMMINGS, Mr. METCALF, and Mr. UNDERWOOD.

H.R. 1363: Mr. STEARNS.

H.R. 1505: Mr. WISE, Mr. GEKAS, and Mr. BILIRAKIS.

H.R. 1518: Mr. MARTINEZ.

H.R. 1546: Mr. GOODLING.

H.R. 1581: Mr. KUCINICH, Mr. MCDERMOTT, Mr. ENGEL, and Mr. DIXON.

H.R. 1636: Mr. BROWN of Ohio.

H.R. 1671: Mr. COYNE.

H.R. 1795: Mr. KILDEE, Mr. RODRIGUEZ, and Mr. ROTHMAN.

H.R. 1806: Mr. QUINN, Ms. NORTON, Mr. LANTOS, Mr. MARTINEZ, Ms. LOFGREN, Ms. SANCHEZ, and Mr. DICKS.

H.R. 1820: Ms. CARSON.

H.R. 1824: Mr. PICKETT and Mr. REYES.

H.R. 1837: Mr. NORWOOD, Mr. ALLEN, Mr. DUNCAN, and Mr. BENTSEN.

H.R. 1838: Mr. BURR of North Carolina, Mr. COBLE, Mr. SANFORD, and Mr. MCCOLLUM.

H.R. 1998: Mr. LEWIS of Georgia.

H.R. 2059: Mr. BARR of Georgia.

H.R. 2128: Mr. TOOMEY.

H.R. 2266: Mr. BOEHLERT Mr. FILNER, Mrs. MALONEY of New York, Ms. STABENOW, and Mr. PRICE of North Carolina.

H.R. 2341: Mr. CUNNINGHAM, Ms. VELÁZQUEZ, Ms. KAPTUR, Mr. LIPINSKI, Mr. BAIRD, Mr. OWENS, Mr. BECERRA, Mr. TIERNEY, Mr. BERMAN, Mr. MANZULLO, Mr. GEJDENSON, Mr. GILLMOR, Mr. EVANS, Mr. KENNEDY of Rhode Island, Mr. CRANE, Mr. LEWIS of Georgia, Mr. JOHN, and Mr. COOK.

H.R. 2381: Mr. BARTLETT of Maryland, Mr. LARGENT, and Mr. DEAL of Georgia.

H.R. 2436: Mr. SANFORD.

H.R. 2453: Mr. ROHRABACHER.

H.R. 2511: Mr. FLETCHER and Mr. BARTON of Texas.

H.R. 2546: Mr. HALL of Texas and Mrs. CHRISTENSEN.

H.R. 2554: Mr. ANDREWS, Mr. FRANKS of New Jersey, and Mr. SAXTON.

H.R. 2573: Mr. MCGOVERN.

H.R. 2596: Mr. PICKERING, Mr. BURTON of Indiana, Mr. SANFORD, Mr. TIAHRT, Mr. WATTS of Oklahoma, Mr. ROGERS, Mrs. KELLY, and Mr. CUNNINGHAM.

H.R. 2624: Mr. CAPUANO.

H.R. 2655: Mr. SKEEN.

H.R. 2689: Mr. PAUL, Ms. DANNER, and Mr. COBURN.

H.R. 2697: Mr. GALLEGLY, Mr. LARGENT, and Mr. FROST.

H.R. 2722: Mr. FRANK of Massachusetts, Mr. WYNN, Ms. PELOSI, Mr. MCDERMOTT, Mr. PAYNE, and Mr. MCCOLLUM.

H.R. 2725: Mr. FROST and Mr. PASTOR.

H.R. 2726: Mr. BURTON of Indiana, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DOOLITTLE.

H.R. 2728: Mr. ENGLISH.

H.R. 2736: Mr. SANDERS, Mr. STUPAK, Mr. MCDERMOTT, Mr. BAIRD, Mr. COYNE, Ms. BALDWIN, Mr. PETERSON of Minnesota, Mr. BECERRA, Ms. BERKELEY, and Ms. KAPTUR.

H.R. 2768: Mr. DIXON and Mr. GORDON.

H.R. 2771: Mr. CAPUANO, Mr. MCNULTY, and Mrs. MALONEY of New York.

H.R. 2774: Mr. WEINER.

H.R. 2813: Ms. CARSON, Mr. HASTINGS of Florida, and Mr. CUMMINGS.

H.R. 2814: Mr. GARY MILLER of California and Mr. FARR of California.

H.R. 2817: Mr. SANDERS, Mr. MALONEY of Connecticut, Mrs. MALONEY of New York, and Mr. ETHERIDGE.

H.R. 2865: Mr. BROWN of Ohio and Mr. MCDERMOTT.

H.R. 2870: Mr. OWENS, Mr. CROWLEY, Mr. MASCARA, Mr. LARSON, and Mr. GILMAN.

H.R. 2877: Mr. BERMAN.

H.R. 2882: Mr. COSTELLO.

H.R. 2890: Mr. OLVER and Mr. MCDERMOTT.

H.R. 2899: Mr. MCGOVERN.

H.R. 2901: Mr. SOUDER.

H.R. 2916: Mrs. LOWEY and Ms. CARSON.

H.R. 2917: Ms. CARSON.

H.R. 2924: Mrs. ROUKEMA.

H.R. 2926: Mr. DEMINT.

H.R. 2942: Mr. CHAMBLISS and Mr. BEREUTER.

H.J. Res. 16: Mr. TOOMEY.

H.J. Res. 48: Mr. CANNON and Mr. MANZULLO.

H.J. Res. 55: Mr. DOOLITTLE.

H.J. Res. 65: Mr. GEJDENSON, Ms. DANNER, Mr. ROHRABACHER, Mr. TANCREDO, Mr. LANTOS, and Mr. HYDE.

H. Con. Res. 140: Ms. MCKINNEY.

H. Con. Res. 186: Mr. BURR of North Carolina and Mr. GOODE.

H. Res. 41: Mr. PHELPS and Mr. STEARNS.

H. Res. 115: Mr. COYNE.

H. Res. 146: Ms. SANCHEZ.

H. Res. 163: Mr. SHIMKUS, Mr. INSLEE, Mr. MCINTYRE, Mr. MARTINEZ, Mr. FROST, Ms. JACKSON-LEE of Texas, Ms. LEE, Ms. BERKLEY, Ms. ROYBAL-ALLARD, Mr. BROWN of Ohio, Ms. HOOLEY of Oregon, Mrs. THURMAN, and Mrs. SLAUGHTER.

H. Res. 269: Mr. HALL of Texas, Mr. SOUDER, Mr. PASTOR, and Mr. LEWIS of California.

H. Res. 280: Mr. BEREUTER.

H. Res. 292: Mr. WAXMAN.

H. Res. 297: Mr. CAMP, Mr. UNDERWOOD, Mr. WU, and Mr. GILCHREST.

H. Res. 298: Mr. HUNTER, Mr. WU, Mr. BAIRD, Mr. SANDERS, Mr. SNYDER, Mr. WELLER, Mr. PHELPS, and Mr. OLVER.

H. Res. 303: Mr. HOEKSTRA, Mr. HILLEARY, Mr. BASS, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. GOODE, Mr. HAYES, Mr. FLETCHER, Mr. REGULA, Mr. KNOLLENBERG, Mrs. EMERSON, and Mr. TOOMEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MRS. JOHNSON OF CONNECTICUT

AMENDMENT NO. 18: At the end of the bill, add the following new section:

SEC. 4. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following subpart:

''Subpart IX—Support of Graduate Medical Education Programs in Children's Hospitals

''SEC. 340E. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

''(a) PAYMENTS.—The Secretary shall make two payments under this section to each children's hospital for each of fiscal years 2000 and 2001, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs.

''(b) AMOUNT OF PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the amounts payable under this section to a children's hospital for an approved graduate medical residency training program for a fiscal year are each of the following amounts:

''(A) DIRECT EXPENSE AMOUNT.—The amount determined under subsection (c) for direct expenses associated with operating approved graduate medical residency training programs.

''(B) INDIRECT EXPENSE AMOUNT.—The amount determined under subsection (d) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs.

''(2) CAPPED AMOUNT.—

''(A) IN GENERAL.—The total of the payments made to children's hospitals under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the funds appropriated under paragraph (1) or (2), respectively, of subsection (f) for such payments for that fiscal year.

''(B) PRO RATA REDUCTIONS OF PAYMENTS FOR DIRECT EXPENSES.—If the Secretary determines that the amount of funds appropriated under subsection (f)(1) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

''(c) AMOUNT OF PAYMENT FOR DIRECT GRADUATE MEDICAL EDUCATION.—

''(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for direct graduate expenses relating to approved graduate medical residency training programs for a fiscal year is equal to the product of—

''(A) the updated per resident amount for direct graduate medical education, as determined under paragraph (2)); and

''(B) the average number of full-time equivalent residents in the hospital's graduate approved medical residency training programs (as determined under section 1886(h)(4) of the Social Security Act during the fiscal year.

''(2) UPDATED PER RESIDENT AMOUNT FOR DIRECT GRADUATE MEDICAL EDUCATION.—The updated per resident amount for direct graduate medical education for a hospital for a fiscal year is an amount determined as follows:

''(A) DETERMINATION OF HOSPITAL SINGLE PER RESIDENT AMOUNT.—The Secretary shall compute for each hospital operating an approved graduate medical education program (regardless of whether or not it is a children's hospital) a single per resident amount equal to the average (weighted by number of full-time equivalent residents) of the primary care per resident amount and the non-primary care per resident amount computed under section 1886(h)(2) of the Social Security Act for cost reporting periods ending during fiscal year 1997.

''(B) DETERMINATION OF WAGE AND NON-WAGE-RELATED PROPORTION OF THE SINGLE PER RESIDENT AMOUNT.—The Secretary shall estimate the average proportion of the single per resident amounts computed under subparagraph (A) that is attributable to wages and wage-related costs.

''(C) STANDARDIZING PER RESIDENT AMOUNTS.—The Secretary shall establish a standardized per resident amount for each such hospital—

''(i) by dividing the single per resident amount computed under subparagraph (A) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

''(ii) by dividing the wage-related portion by the factor applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during fiscal year 1999 for the hospital's area; and

''(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

''(D) DETERMINATION OF NATIONAL AVERAGE.—The Secretary shall compute a national average per resident amount equal to the average of the standardized per resident amounts computed under subparagraph (C) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital.

''(E) APPLICATION TO INDIVIDUAL HOSPITALS.—The Secretary shall compute for each such hospital that is a children's hospital a per resident amount—

''(i) by dividing the national average per resident amount computed under subparagraph (D) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

''(ii) by multiplying the wage-related portion by the factor described in subparagraph (C)(ii) for the hospital's area; and

''(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

''(F) UPDATING RATE.—The Secretary shall update such per resident amount for each such children's hospital by the estimated percentage increase in the consumer price index for all urban consumers during the period beginning October 1997 and ending with the midpoint of the hospital's cost reporting period that begins during fiscal year 2000.

''(d) AMOUNT OF PAYMENT FOR INDIRECT MEDICAL EDUCATION.—

''(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a fiscal year is equal to an amount determined appropriate by the Secretary.

''(2) FACTORS.—In determining the amount under paragraph (1), the Secretary shall—

''(A) take into account variations in case mix among children's hospitals and the number of full-time equivalent residents in the hospitals' approved graduate medical residency training programs; and

''(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section in a fiscal year are equal to the amount appropriated for such expenses for the fiscal year involved under subsection (f)(2).

''(e) MAKING OF PAYMENTS.—

''(1) INTERIM PAYMENTS.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject

to paragraph (2)) make the payments of such amounts in 26 equal interim installments during such period.

''(2) WITHHOLDING.—The Secretary shall withhold up to 25 percent from each interim installment for direct graduate medical education paid under paragraph (1).

''(3) RECONCILIATION.—At the end of each fiscal year for which payments may be made under this section, the hospital shall submit to the Secretary such information as the Secretary determines to be necessary to determine the percent (if any) of the total amount withheld under paragraph (2) that is due under this section for the hospital for the fiscal year. Based on such determination, the Secretary shall recoup any overpayments made, or pay any balance due. The amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 of the Social Security Act and shall be subject to review under that section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review under such section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) DIRECT GRADUATE MEDICAL EDUCATION.—

''(A) IN GENERAL.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A) —

''(i) for fiscal year 2000, $90,000,000; and

''(ii) for fiscal year 2001, $95,000,000.

''(B) CARRYOVER OF EXCESS.—The amounts appropriated under subparagraph (A) for fiscal year 2000 shall remain available for obligation through the end of fiscal year 2001.

''(2) INDIRECT MEDICAL EDUCATION.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A) —

''(A) for fiscal year 2000, $190,000,000; and

''(B) for fiscal year 2001, $190,000,000.

''(g) DEFINITIONS.—In this section:

''(1) APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term 'approved graduate medical residency training program' has the meaning given the term 'approved medical residency training program' in section 1886(h)(5)(A) of the Social Security Act.

''(2) CHILDREN'S HOSPITAL.—The term 'children's hospital' means a hospital described in section 1886(d)(1)(B)(iii) of the Social Security Act.

''(3) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term 'direct graduate medical education costs' has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.''.

H.R. 2506

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 19: Page 46, after line 2, insert the following section:

SEC. 4. STUDY REGARDING SHORTAGES OF LICENSED PHARMACISTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the appropriate agencies of the Public Health Services, shall conduct a study to determine whether and to what extent there is a shortage of licensed pharmacists. In carrying out the study, the Secretary shall seek the comments of appropriate public and private entities regarding any such shortage.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall complete the study under subsection (a) and submit to the Congress a report that describes the findings made through the study and that contains a summary of the comments received by the Secretary pursuant to such subsection.

H.R. 2506

OFFERED BY: MR. PASCRELL

AMENDMENT NO. 20: Page 13, after line 5, insert the following subsection:

''(d) CANCER AND CARDIOVASCULAR DISEASES IN WOMEN.—The Director shall conduct and support research and build private-public partnerships to enhance the quality, appropriateness, and effectiveness of and access to health services regarding cancer and cardiovascular diseases in women, including with respect to the comparative effectiveness, cost-effectiveness, and safety of such services.

H.R. 2506

OFFERED BY: MR. STEARNS

AMENDMENT NO. 21: Page 21, after line 8, insert the following subsection:

''(d) CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.—In carrying out subsection (a) with respect to innovations in health care technologies and clinical practice, the Director shall, in consultation with appropriate public and private entities, develop recommendations regarding the placement of automatic external defibrillators in Federal buildings as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services.

H.R. 2506

OFFERED BY: MR. THOMPSON OF CALIFORNIA

AMENDMENT NO. 22: Page 46, after line 2, add the following section:

SEC. 4. REPORT ON TELEMEDICINE.

Not later than January 10, 2001, the Director of the Agency for Health Research and Quality shall submit to the Congress a report that—

(1) identifies any factors that inhibit the expansion and accessibility of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geographical isolation, should be used to determine which patients need or require access to telemedicine care;

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available to the patients;

(4) determines the extent to which physicians involved with telemedicine services have been satisfied with the medical aspects of the services;

(5) determines the extent to which primary care physicians are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations; and

(6) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Director for responding to such issues.

H.R. 2506

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 23: Page 46, after line 2, insert the following section:

SEC. 4. BUY AMERICAN PROVISIONS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Health and Human Services shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

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Senate

The Senate met at 12 noon and was called to order by the Honorable WILLIAM H. FRIST, a Senator from the State of Tennessee.

The PRESIDING OFFICER. The guest Chaplain, Father Paul Lavin, pastor, St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will lead the Senate in prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

Listen to the words of the first letter of Paul to Timothy:

For everything created by God is good, and nothing is to be rejected when received with thanksgiving, for it is made holy by the invocation of God in prayer.

Let us pray.

Lord God, from the abundance of Your mercy enrich Your sons and daughters who serve in the Senate and safeguard them. Strengthened by Your blessing, may they always be thankful to You and bless You with unending joy. We ask this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 27, 1999.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM H. FRIST, a Senator from the State of Tennessee, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. FRIST thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will be in a period of morning business until 3:30 p.m. Following morning business, the Senate will begin consideration of two resolutions that were introduced on Friday regarding education. The Lott and Daschle resolutions will be debated concurrently for 2 hours. Then the Senate will proceed to two stacked votes. Therefore, Senators can expect the first vote at approximately 5:30 p.m. Following the votes, the Senate may begin consideration of any conference reports, appropriations bills, or nominations available for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Wyoming is recognized to speak for up to 1 hour.

Mr. DORGAN addressed the Chair.

The ACTING PRESIDENT pro tempore. Will the Senator yield?

Mr. THOMAS. Yes, I will yield.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, let me ask unanimous consent that, following the 1 hour following the Senator from Wyoming and the hour by the Senator from Illinois, I be recognized for 20 minutes beginning at 2 o'clock in morning business.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

EDUCATION

Mr. THOMAS. Mr. President, we are facing the last week for the consideration of appropriations bills for the next fiscal year. I expect we will end up having a continuing resolution—I hope so—so we can finish our work without an interruption, the closing down of the Government.

One of the issues, of course, that is most important to all of us is that of education. I wanted to talk—and will be joined by several of my colleagues during the course of this hour—a little bit about strengthening education.

The Republicans have had, and continue to have, a strong education agenda, one that reflects the view we share on this side of the aisle, that of returning control to the State and local levels so more of the decisions can be made by the school boards, by States, by parents, making Federal programs more flexible so there can be assistance from the Federal Government but at the same time allowing local governments to have the flexibility to adjust educational programs and school programs so they fit.

My State of Wyoming is unique in that we have lots of space and not too many people. Chugwater, WY, would have quite a different educational approach than Philadelphia. I think those

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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differences need to be recognized. We have worked hard to move towards block granting of Federal money directly to States and to local school districts. I happen to believe that is a very important item in terms of Federal participation in elementary and secondary education.

There are differences of view as a matter of fact as to what the role of the Federal Government is with regard to elementary and secondary education. Many believe, of course, that it is the primary role of the local governments. I share that view. I share the view, however, that the Federal Government can assist, and in doing that, it needs to assist in a way that local officials can prevail.

Underlying this debate that we will hear a great deal about today and every day is a fundamental philosophical difference as to how you approach education. The Democrat approach is to create a series of new mandates and new programs such as 100,000 federally funded teachers to deal with class size. There is a different approach as to classroom units depending on where you are. Most States—I believe 43 out of 50—have this 18 to 1 ratio about which they talk. The Democrats are talking about federally funded school construction and afterschool programs, all of which sounds great and probably has some merit, but the fact is we ought to be thinking more about funding the programs that are already there, such as IDEA, those kinds of programs, than we should be talking about expanding into new programs. Democrats don't like the idea of letting local people make the decisions. They continue to want the educational bureaucracy in Washington to call the shots.

That is a fundamental difference, legitimate difference of views. There are those who generally respect that idea and those of us who do not. Sometimes it is difficult to differentiate between the basic differences of view as they get tangled up with the details of dollars.

But it is the local people, it is you and me as we serve on the school boards, as I have and many of you, not the bureaucrats in Washington, who really need to decide what the classroom unit in our schools ought to be, whether they need a new gymnasium or something else.

Those are the key issues about which we need to talk. It is not the issue of whether or not we want the Federal Government to participate. The issue is how it participates, how much more regulation goes along with this participation, and taxes, of course, as well.

The Taxpayer Relief Act, which was vetoed last week by the President, had over $500 billion in family tax relief. Parents could have used this money to help educate their children. Specific educational provisions totaled $11.3 billion in this tax bill the President vetoed—educational savings accounts, interest deductions for student loans, deductions for employer-provided tuition assistance, these kinds of things that would give families the opportunity to do more with their educational programs.

Congress had made substantial progress earlier this year with the passage of the Ed-Flex bill. I am hopeful the principal sponsor of the Ed-Flex bill, who is now presiding, will have an opportunity to share with us a little more of what that means. It is one of the big things we have done this year in terms of education. It allows district waivers of Federal requirements. This is the direction we really need. We need to let the schools and the districts make their decisions. That is really where we are in much of the discussion at this time.

There will be some resolutions talked about today, introduced by the majority leader and the minority leader, which deal directly with the funding and how the funding is handled. I think they are extraordinary items we will discuss in relation to whether or not this administration has listened more to the polls and tried to do things that kind of pick up the people's attention or whether they really have been involved in seeking to strengthen education through the kinds of activities we have had.

I yield to my friend, the Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Wyoming and appreciate so much his leadership on so many different issues. His steady hand, his wise insight, and determination to make education better in America—I certainly share that.

Education is critical to our Nation's strength, economically, intellectually, and morally, and in relation to our character and other things. Unity in a nation depends on good education. It includes high technology, but it also includes history, literature, art, and those kinds of things.

I strongly believe in public education. I am prepared to support it and do support it. I think we can do a lot for our country.

I was a product of public education. My wife was the product of public education. My wife taught a number of years in public schools. I taught 1 year in public schools. Our daughters graduated from a major public high school in Mobile, AL. They were active in all of the school's activities. They were annual editors of the yearbook there. It was a big part of our lives. We participated in the PTA. My wife has volunteered on regular occasions in the classroom, assisting teachers as an aide, as is done in many schools today.

I think those ideas are oftentimes better than spending endless amounts of money. Too often parents are not encouraged to be a part of the education process. I think they can contribute to that. So educational excellence in the classroom is what it is all about.

What our goal needs to be is to enhance that magic moment that occurs in a classroom between a teacher and a child when learning occurs and where excitement is present. That will benefit our children. Some of the things we have done in education over the years really cause me concern.

I think it is important for us, as a nation, to recall another point, and that is that the Federal Government is not the primary focus of education in this country. Ninety-three percent of the money spent on education comes from our States and localities. That is where education is run. That is a historic, fundamental view in America—that education ought to be a local process and that we do not want the Federal Government dominating all of our education and telling us how everything ought to be run.

But what we have learned is, over the years, for the little money the Federal Government does put forth—the 7 percent that it contributes—so much of that money goes into regulations and burdens on local schools. We understand that 50 percent of the regulations for public schools in America come from Federal programs where only 7 percent of the money is provided.

Currently, there are 788 Federal Government education programs. School systems, small and large, have to employee teams of people just to write grants, to figure out how they can get some of this Federal money for their school systems. And when they get the money, they cannot use it as they wish; they have to comply with burdensome federal regulations, essentially fitting some bureaucrat's idea of what ought to be done in that school.

One thing I have learned here is that schools across this country are different. In the school I attended in the town of Camden, AL, 30 of us graduated from high school together. Well over half of us started the first grade together in that school. It was an excellent high school. I was blessed.

I was at the University of Alabama this weekend, and I met the dean of the human services department there; she was my classmate in our little class of 30. Another member of that group went on to Annapolis. And others have done well. But it was a public school, a small school.

My daughters went to a high school that had 2,000 students. So schools are different. The needs are different in each of the States. It is very difficult for the Federal Government to control and dominate and say precisely how learning should occur in every classroom across this country. I fundamentally believe that decisions about our children's education must be made by individuals who know our children's names.

We need to be sure that what we do in this Nation is a benefit to children and not a burden. I am really pleased to see Dr. BILL FRIST, the distinguished Senator from Tennessee, who previously presided in the Chair, because

earlier this year he led the fight for a bill we called Ed-Flex that would say: We are going to give schools more flexibility to utilize Federal dollars than they have had before in return for strict accountability.

It was a tough fight. Those on the other side of the aisle, the President, and all his staff, fought that bill tooth and claw—even though the educators and the teachers and principals were telling us: We badly need it. It was a battle. We did not get to go as far as we would have liked, but it was a good step in the right direction. We need to do more of that.

Do we really care about our children? Do we want to make sure they learn as best they can? Let's give the money to the people we elected as our school board presidents and commissioners and superintendents to run our school systems; the people who know our children's names. Those people care about children; it is not just people in this body.

Many of us who have little or no knowledge about education, how is it we think we know all there is to know about education? We can read a newspaper article about somebody having a good idea, so we pass a Federal program to fund it, and we end up with 788 programs that really burden education.

Let me tell you about a number of things that are out there. I had a letter from a good, long-time friend of mine. I was a Federal prosecutor and attorney general of Alabama. This friend, Dave Whetstone, was a district attorney in one of our larger counties for quite a number of years. Dave Whetstone ran into the IDEA Act. Based on what IDEA says, children with disabilities ought not to be separated. They are supposed to be kept in the classroom. That is certainly a good principle. We ought not to separate children who don't need to be separated. But the act says, no matter what you do or how violent that child may get, they can't be removed from the classroom for more than 45 days. They have to be put back in there because of Federal law.

During committee hearings this year, we heard from a superintendent from Vermont who told us that over 20 percent of the education costs in the school system with which he was involved went to funding the regulations of this program. One cannot believe what it demands. In the Alabama case, there was a young man who was the subject of a Time Magazine article, ''Is This the Meanest Kid in All of Alabama?''

I have met with District Attorney Whetstone to discuss this very problem because he raised the question. He wrote me a letter in late April. He said:

> I am writing you this letter concerning my general outrage over the laws of the Federal Government and how they are being administered in relation to school violence.
>
> I had already been having meetings . . . concerning the Federal Disabilities Act.
>
> The general thrust of the matter is that violent children are being kept in school because of the new Federal Rules relating to disabilities.
>
> I can point to at least seven to nine occasions in Baldwin County in which I believe expulsion was called for, but could not be accomplished because of the interpretation of the Disabilities Act.

He goes on to talk about the story of this one child.

In summary—Americans may not understand this—with regard to children who are really disruptive, they hire aides to not only be in the classroom to help the teacher for this one child who is disruptive, the aides go to their homes, ride the school buses with them to keep them from disrupting the bus, stay with them all day, and ride the school bus home at night.

That is what they were doing with this young man. He had violent tendencies. In one case on the school bus, he had an incident, and the aide tried to stop him from wrecking the school bus. He tried to wreck the school bus, and he attacked the aide. That is when the district attorney got involved and filed legal action to try to overcome this thing.

That is the problem we are living with, and that is driven by Federal regulations that are, in fact, reducing our ability to educate. I don't know which children ought to be kept in the classroom and which ought to be removed. I would like to see every child who can stay in a classroom stay in a classroom. I think that is extraordinarily important. But some children are so disruptive that it undermines the whole teaching process. I believe the decision must be left to the local principals and school boards.

I have had teachers tell me: Jeff, I can't put up with it anymore. It is too stressful for me. I am going to get out of this profession that I love as soon as I can.

Much of it is driven, if you talk to your friends and neighbors who teach, by discipline problems. You would not know, if you listened to these education bureaucrats in Washington, that a lot of it is driven by burdensome Federal education rules and regulations.

This Congress, since the Republican Party took the majority, has increased Federal funding for education 27 percent. All this talk about slashing funds for education is not true. We do believe—I certainly believe—in public education and helping public education to flourish, but we need to do it the right way. We need to do it in a way that helps teachers to achieve that sublime moment when the learning occurs in a classroom and kids are motivated and they get that insight that may lead them on to a lifetime of learning.

I am not sure the 788 programs we have now are working. I pledge to the people of the United States, I am going to work to do all I can to continue to support our States in their efforts to educate, but I am going to try to reduce Federal regulation and Federal intervention in their schools and give them the kind of opportunities they have not had in many years to improve education in those schools. Each school does it differently. We can't mandate it from here.

It worked for welfare reform. Do my colleagues remember that? We said: We are going to stop mandating all these rules for every community in America. We are going to challenge the States to take the welfare money we have been spending and create programs they believe, in their State, are comprehensive and will get people off welfare and back to work. It has worked, and we have had a massive reduction in the welfare rolls. It has been good for America.

We can do the same for education. The Senator from Tennessee has been a national leader for education reform. He is on the Health, Education, Labor, and Pensions Committee. He has been a national spokesman for it, and it has been a pleasure for me to join that committee and work with him.

Mr. President, I have concluded my remarks. I am pleased to yield to the distinguished Senator from Tennessee on this subject.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Tennessee.

Mr. FRIST. Mr. President, I commend the Senator from Alabama for his outstanding leadership in the field of education, preparing our children for tomorrow, for that next millennium. He has done outstanding work. We work almost on a daily basis on this very issue.

I also commend the Presiding Officer for his leadership on this issue which, again, means so much to the future of our country.

Earlier this morning I was talking to a group of people who came up to visit from Texas. They said: Senator FRIST, what in your mind is the most important thing that society must do to prepare our country for this new millennium that is upon us?

I very quickly turned it back to the audience and said: What do you think?

When we came to education, every hand went up in the air. Indeed, according to every public opinion survey, education is the No. 1 issue when people ask what the responsibility of the public—not necessarily just the Federal Government but of the public—is in terms of promoting more fulfilling lives in the future. If we look a little bit further at those town meetings, we say: What really can be done? People very quickly come back to our education system, to our public school system. About two out of three Americans are very supportive of public schools but do believe that our public schools will require some major change, some major innovation, some creativity. Just more of the same is simply not going to work.

We only have to look at how we compare to our international counterparts. When we look at reading, math, or science at the fourth grade, the eighth grade, and at the twelfth grade, we are failing compared to other countries all around the world. What is even sadder,

if we look at subjects such as reading or math, we fail in the fourth, eighth, and twelfth grades. If we do OK in the fourth grade, we do worse in the eighth grade, and we do miserably in the twelfth grade. The longer someone is in school, when we compare ourselves internationally—we all know our world is becoming smaller, and our borders are beginning to fall in this global economy—when we compare ourselves internationally, we are failing and failing miserably.

Republicans have set forth very solid proposals based on three pretty simple, straightforward priorities. Mention has already been made about the Ed-Flex bill, the Education Flexibility Partnership Act, which was signed by the President, debated on this floor, and involves these same principles.

Those three principles are, No. 1, take education out of the hands of the Federal bureaucrats and return it to the local level, to parents, to teachers, to school superintendents, to local officials, where it belongs.

No. 2, since what we are doing is not working, based on the statistics I just related, let's unleash the spirit of change, of innovation, of doing something a little bit different. We can begin by untying those Federal strings, those Federal regulations which are restricting that change, which are holding back innovation.

No. 3, raise the standard of education excellence so every child gets the education he or she needs and deserves.

For over three decades, we have seen this progression of Federal involvement in our educational system today. As the Senator from Alabama just pointed out, there are over 780 separate Federal education programs. It really comes from a lot of people in this body and other bodies who came up with good ideas to cure particular problems. The result is that you get a layering of these Federal programs, one on top of each other, until you get this whole spider web of good intentions. But these good intentions have increased Federal bureaucracies, each with its own set of regulations, hierarchy, own buildings, own section, each trying to educate people in a better way. These over 780 different Federal education programs are spread across over 40 entirely separate bureaucracies. So it is time to step back, streamline, and better coordinate the resources that we are directing toward education.

Now, it is interesting that, in the Ed-Flex debate, a lot of things were talked about on the floor of the Senate, and one was apparent to me. The statistic was that educators spend over 48 million hours churning out paperwork and red tape because of these Washington-based regulations.

Now, 48 million hours sounds like a lot. How much is it? It is the equivalent of 25,000 teachers working 40 hours a week for 1 year—not in teaching that student but in filling out paperwork and regulations. It is this excessive regulatory burden that we in Washington, DC, impose on them. It is what the Federal Government pushes down on that teacher in that school in Alamo, TN.

How does it translate into taxpayer dollars? That $1 that is sent, on April 15, to Washington, DC, filters down through the bureaucracy and is only worth 65 cents by the time it gets down to the classroom; that is, 35 cents of every taxpayer dollar that comes up to the Federal Government is lost in these 780 programs through 40 different bureaucracies.

The real question is, Can this be modernized? Is there something we can do? The answer is absolutely. Ed-Flex is that first step. It shows that we can make progress by doing what? Education flexibility—giving more flexibility, providing for more accountability; those are two fundamental principles.

As Ronald Reagan said, ''There is nothing closer to eternal life than a Government bureaucracy.'' So, yes, No. 1, we have to address the issues of the bureaucracy. How can we streamline and better coordinate to get more value out of the resources that we put into education? Ed-Flex attacked the issue of improved accountability and improved achievement by looking at those three Republican principles. Individual classrooms have individual needs. Classrooms in Alamo, TN, are different from those in Memphis, and different from Bristol, TN, and different from those in New York City, or San Francisco. Some schools stress technology; some have computers; some are in a rural area and don't have the technology.

The whole point is each school is different, and we in Washington, DC, must recognize the solutions to an individual school's challenges to educate a student have to be based on local concerns, local input, on what those teachers need, on what advise and counsel parents offer to that particular school.

What did Ed-Flex do? As I said, it is the Education Flexibility Partnership Act. No. 1 is flexibility. It gets rid of a lot of the Washington red tape. It comes down from the 780 different programs. You have absolutely the same goals, but how you reach those goals is determined at the local level. Ed-Flex has strong flexibility but also strong accountability. Strong accountability, in that if you have an Ed-Flex program in your State, you must say specifically how that plan will be administered, how achievement will be measured, and you will be held accountable for accomplishing that achievement.

In return, you are given flexibility. Ed-Flex started as a demonstration project in six States, and it was expanded to 12 States. Now, through a bipartisan effort, we are able to expand that to every State in the Union.

Another way to achieve the three principles we are working on is the authorization process—a process that is looking at the reauthorization of the Elementary and Secondary Education Act. This is the big bill that authorizes how we spend all kindergarten-through-12 funding. The purpose of going back and looking at that authorization is to modernize this system, to allow some innovation and creativity, to take it back to local control, instead of Washington, DC, control.

Republicans have designated this legislation as the vehicle to address two principles: No. 1, to retain the same basic elements of education funding through ESEA, the Elementary and Secondary Education Act, but eliminate the red tape that tells localities specifically how to spend it. The bill, as we go forward, needs to stress local control. I believe, and most Republicans believe, that we need to free States and free localities from red tape, from that lack of innovation, from that rigidity, in return for improvements in achievement. We must make sure our students are really learning and progressing over time. In addition, we have to reduce that paperwork by focusing on not just the process but the actual performance of those students who will leave that school and go on to higher education and to competition in our national marketplace and in a global marketplace.

We need to allow States, I believe, to consolidate some of these 780 programs at the State and local level if they believe they can have greater achievement, and if they have a specific plan to do so, and are held accountable for that. We need to empower parents, we need to empower local educators, and then we need to hold them accountable for their results.

Another issue that we absolutely must focus on, and we are focusing on, is the quality of our teachers. There are some people who say the answer to all this is 100,000 more teachers. That makes a good sound bite because more of anything sounds good to people. But I believe we need to go back to that Republican fundamental belief that more can be helpful, but what is more important is the quality of that teacher in that classroom talking to those 10 students or 20 students or 30 students. Just having more of something there isn't necessarily the answer. The answer is in teacher quality.

A researcher from the University of Tennessee put it quite well when he said to me that teacher quality has a greater effect on performance than any other factor, including student demographics or class size. If you have to pick one, it is the quality of that teacher in the classroom. He said—and these are exact words—''When kids have ineffective teachers, they never recover.''

Think about that. Other than parents, no other intervention equals the effect on a child's capacity to learn, to assimilate than that of his teacher. Every classroom should have a qualified teacher, proficient in the subjects they teach. Now, one might say, well, no, that is not it; we need more warm

bodies in the classroom and that is the answer.

Listen to these statistics. Today, over 25 percent of all teachers are poorly trained to teach; 12 percent have no prior classroom experience before beginning to teach; 14 percent have not fully met State standards. In Massachusetts alone, 59 percent failed the basic licensing exam; 54 percent failed a 10th grade level competency test. If we look all across America, 18 percent of all social studies teachers have neither majored nor minored in the subject they teach; 20 percent of all science teachers have neither majored nor minored in science; 40 percent of all math teachers have neither majored nor minored in mathematics.

Is it surprising, then, when you compare the performance of 12th graders in this country in math and science to other countries around the world that we are not 1st, 5th, 10th, 15th, or 20th in math and science, but we are 21st? We are 21st among our competitor nations around the world. Is it surprising when 40 percent of all math teachers—the person actually teaching in that room with the 12th graders—did not major or minor in the field of mathematics? We hear about ''100,000 new teachers.'' That is a short sound bite, but I think the focus you will see from our side of the aisle is on the quality of teachers and not on numbers alone.

The Teacher Quality Act works aggressively on directing Federal resources to help attract the very best, to help train and retrain those very best teachers. Funds will be available in several areas, including establishing incentives to teachers with advanced degrees in core subjects, or implementing teacher testing with bonuses for those who score well, or expanding the pool of teachers by certifying qualified retired military personnel.

Another issue in our schools today, an issue we hear about all too often, is school violence. Again, the reasons are as many and numerous as the incidents themselves. Common sense says fix the obvious problem. One obvious problem is drugs. A long-term study showed most drug use starts at age 12 or 13. When the White House took a high-profile line on this, illicit drug use declined consistently from 1979 to 1992 and, over that period of about 13 years, fell from 16 percent to 5 percent. However, in the first 5 years of the current administration, over half of that progress has been lost. The latest National Center for Alcohol and Substance Abuse poll shows 35 percent of teens believe drugs are the most important problem they face.

We are responding again under an initiative being put forward through the Youth Drug and Mental Health Services Act. That act will add financial assistance for community programs for violent youth and will add technical assistance to create community partnerships to look at youth drug issues and youth mental health.

An area of discipline we will have to come back to is loopholes in the current law, including the act mentioned this morning, the Individuals with Disabilities Education Act, a bill in which I believe very strongly and which was strongly supported in the efforts of the past Congress. There is a problem in that particular bill regarding violence—violence and discipline in our schools. The fact is, one group of students is disciplined in a different manner from other students. That is unfair and has to be changed. It has not yet been changed.

In my own county, Davidson County in Middle Tennessee, there were eight firearms infractions, meaning there were eight children who brought either guns or bombs to school; six of those were special ed students. Three of those special ed students were expelled, but three were not expelled and came back to the classroom. In Tennessee, the general law is, if a student brings a gun or a bomb into the classroom, they are expelled for that year. Because of the Federal law, we say all students are not treated equally. There is a special class of students who, even if they brought a gun or a bomb to the classroom, may return in 45 days. I see no reason why all children should not be subject to the very same disciplinary action.

Education is the most important gift we can give our children. The time to act is now. We are doing that with Ed-Flex as the first step, with reauthorization of the Elementary and Secondary Education Act, and with the Teacher Quality Act.

I have an 11-year-old, 12-year-old, and a 14-year-old. I don't want to be too pessimistic. When we look at this generation that is coming through, the overwhelming majority of America's children are good, with good intentions, and are working hard. In fact, when comparing the so-called millennial generation with the preceding generation, statistics are improving:

Teen sexual activity is down; teen pregnancies are down, especially in the inner cities; teen drinking is down; teen drunk driving is down; TV time is down; high school dropout rates are down. More time is being spent on homework today. Academic standards are slowly rising; time spent on chores is up; church-going is up. High-tech skills are rising sharply. Most teens today trust institutions; they agree with their parents on core values.

As for violence, the high school murder rate has indeed fallen 50 percent since 1993, the steepest decline in any age bracket. School-related violent deaths are declining. There has been an overall improvement in teen crime. I say that because we have this interesting juxtaposition of great opportunity in our system, but when we compare ourselves internationally, we are failing if performance is the measure.

Again, looking back to the fourth, eighth, and twelfth grade, we are failing our children today, but we are doing it in an overall framework which says that it is possible to succeed. We need to be committed. We need to do it in the right way, using the three Republican principles I put forward. Our children are America's future, they are America's pride, and Republicans intend to do everything we possible can to help them stay that way.

I ask unanimous consent, following the remarks of Senator DORGAN today, at approximately 2:20 p.m., Senator HATCH be recognized for up to 25 minutes in morning business.

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

Mr. FRIST. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. How much time remains for morning business?

The PRESIDING OFFICER. Nineteen minutes.

TAX DECREASE VETO

Mr. GRASSLEY. Mr. President, the President of the United States vetoed the largest tax decrease bill to pass the Congress since 1981. By doing this, he wants to continue the tax overpayment that working Americans are paying into the Federal Treasury.

The President is saying in his veto that we ought to continue to tax the taxpayers at the 21 percent of gross domestic product level, where taxes are now, the highest level in the history of our country, as opposed to the last 50 years when taxes fell in the range of 18 to 19 percent of gross domestic product.

The people of the United States have been willing and, through consensus, settled on the level of 18 to 19 percent of gross domestic product, both from the standpoint of what they are willing to pay into the Federal Government and also from the standpoint of how that is, at a lower level of taxation, better for the economy.

The President said in his veto message we would put in jeopardy several government programs if we did not continue to tax at this level. The President didn't say in so many words, but he has a plan for spending the $792 billion that the Congress would let the American taxpayers keep. By spending it, he would do it in a fashion that would end up with a $200 billion additional national debt than what we would have by giving the $792 billion to the taxpayers. He would, in a sense, jack up the level of expenditure of the Federal Government to well over the present level of expenditure and put in jeopardy balancing the budget if we had a downturn in the economy and the taxes did not come into the Federal Treasury at the rate of 21 percent of gross domestic product.

Even though the bill passed in a bipartisan way when it first went through the Senate, on final passage it ended up being a Republican tax reduction that went to the President because there were not any people on the other side of the aisle who voted for it.

We were saying that this tax overpayment ought to be left with working

Americans because only the people spending the money or investing it do it in a way that creates wealth in America and creates jobs as a result of the creation of wealth.

Anybody who thinks money is better left in the Federal Treasury—at the highest rate of taxation in the history of the country, at 21 percent of GDP—ought to realize that there are not jobs created as a result of that money going into the Federal till because the Federal Government is not a creator of wealth. Our involvement with the creation of wealth is to leave as many resources as we can to the ingenuity of American working men and women to invest and to spend because it turns over so many more times in the economy than when it is spent by us in Washington.

So this tax decrease, the largest since 1981, was our effort to give a tax refund to working Americans by returning the tax overpayment. We do it in a responsible manner, by devoting 75 percent of the $3 trillion surplus that is going to come into the Federal Treasury over the next 10 years to Social Security, Medicare, paying down the national debt, and other domestic priorities. We would leave three-fourths of that extra dollar that people pay in taxes that do not need to be paid, with the Federal Government for paying down the national debt, strengthening Social Security, $505 billion that could be set aside for strengthening Medicare and other domestic programs, and we would leave 25 percent of that surplus with the taxpayers because we know that hard-working men and women in America can use that money better than it can be misspent here in Washington.

It seems to me the President was intellectually dishonest last week when, in his veto message—that was on television; everybody heard it—he said we were threatening Social Security, we were threatening Medicare, we were not paying down the national debt when we had this tax cut. I say that is intellectual dishonesty because the plan we sent to the President had in mind reserving all of the Social Security payroll tax money to Social Security, paying down the national debt, with $505 billion for strengthening Medicare and other domestic priorities within our Government, and still leaving $800 billion to the taxpayers.

It is only fair to give the taxpayers this money because it is their money that created the surplus in the first place. It is not the hard work of bureaucrats in Washington, it is not the hard work of Members of Congress that created this surplus, it is the ingenuity of the American people. For that ingenuity, they are being overtaxed at this particular time to the tune of 21 percent of gross domestic product compared to the 50-year history of somewhere between 18 percent and 19 percent. It is only fair to give them their money back.

Even Democrats agree that the surplus should be returned to the taxpayers. One Member of the other side of the aisle said this:

> I strongly believe we should return part of that money [meaning the surplus] to hard-working Americans. To suggest we cannot afford to cut income taxes when we are running a $3 trillion surplus is ludicrous.

That is from a Member of the Senate from the other side of the aisle. That same Member said:

> To say that tax cuts stand in the way of needed domestic spending, Medicare and debt relief, is also folly.

It is too bad the President of the United States does not listen to Members of his own party.

The President wants you to believe he vetoed just a $792 billion tax bill—and that is a 10-year figure. But when you look at the bits and pieces of it, I think it will demonstrate the President did not veto just a $792 billion tax bill, but he vetoed lower taxes for middle- and lower-income Americans, he made health insurance less affordable, and he took away incentives to save more. Let me go through what the President vetoed to be very specific, so people know exactly what we planned in this Congress when we passed this tax bill.

We planned to encourage savings, to encourage entrepreneurship, and to give hard-working families the money they need to support themselves. We reduced tax rates for middle- and lower-income Americans. The President vetoed that.

Our tax bill made health insurance more affordable by providing 100-percent tax deductibility for all premiums for the self-employed and, starting for the first time in the history of our tax laws, gave employees who work for corporations, who do not have a corporate health plan, the same tax deductibility for their own individual plans that employees of major corporations have had since World War II. The President vetoed both of those items.

Our bill made it easier for children to care for elderly parents by giving some tax incentives for family caregiving and also making tax deductibility possible for long-term care insurers. The President vetoed that.

One thing we hear about more than any other injustice in the Tax Code is the marriage tax penalty. That correction was in the bill. The President vetoed the provisions to do away with the marriage tax penalty.

We hear from farmers and small businessmen how wrong it is to break up a business to pay a death tax. This bill did away with the estate tax, so there was no tax on death, so you could pass on the family farm and the family business. The President vetoed that.

We had increased incentives for retirement savings because everybody knows Social Security has never been intended to be a sole retirement plan and is not adequate today. So we have to have more encouragement for families to save for retirement. The President vetoed that.

We hear from families, particularly from women who work outside the home, that child care ought to be more affordable. The President vetoed that.

We had full tax deductibility of interest on student loans in this bill. The President vetoed that.

We expanded the Individual Retirement Account opportunities. The President vetoed that.

In short, President Clinton vetoed tax relief measures that would benefit men and women nationwide.

The President has vetoed it, and I do not think there will be a compromise with the President on this because the $800 billion is such an infinitesimal amount of money—only 3.5 percent of all the revenue coming into the Federal Treasury over the next 10 years—that how do you compromise between zero and 3.5 percent when the 3.5 percent is so puny that we in the Congress ought to be embarrassed we could not find ways of saving money and giving even a larger tax cut?

This means this issue will be taken to the country, and we will let the Democratic candidate, presumably Vice President GORE, campaign next year on a platform of spending this money, as President Clinton proposes to spend it, and we will let the Republican candidate for President run on a platform of, hopefully, backing at least this much of a tax cut and more of a tax cut. We will take this issue to the country. Let the people decide, and in letting the people decide, let's have a clear mandate for spending the $792 billion or letting the taxpayers keep it.

The President, in his veto message and all during the month of August, has been trying to make a mountain out of a molehill, as far as this tax cut issue is concerned. He has suggested that $800 billion is a mountain of money—and it is a lot of money—but as I said, it is 3.5 percent of all the money that is going to come into the Federal Treasury over the next 10 years that we could let the taxpayers keep in their pockets or spend it or invest it to create jobs and wealth in America to expand our economy. But, in fact, the mountain is the $23 trillion that is coming into the Federal Treasury over the next 10 years, and the $792 billion tax cut is the molehill.

On this chart, we have the mountain over here, the $22.8 trillion that the working men and women of America are going to pay into the Federal Treasury over the next 10 years. Mr. President Clinton, that is the mountain, but right here is the $792 billion tax cut that you vetoed last week, and that is truly the molehill. Mr. President, you can't make a mountain out of a molehill.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). 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. GORTON. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

INNOVATION IN EDUCATION

Mr. GORTON. Mr. President, the Washington Post printed an article last Sunday about a group of WWII veterans returning to the beaches of Normandy to share stories and remember fallen brothers. It was yet another reminder of the closing window of opportunity historians have to glean firsthand accounts from the generation of men and women who lived through the Great Depression, fought in WWII and came back to build America into the greatest power of health and wealth in the world.

The Washington Post wrote: ''World War II veterans are dying at a rate of more than 1,000 a day. 'It's the equivalent to a library burning down every day,' said National Guard Maj. Gen. Gene Krase.''

This week I'm presenting my Innovation in Education award to a group of students and educators in Wenatchee, Washington who are working to preserve the oral testimonies and firsthand accounts of the men and women who make up what some have called our greatest generation.

Allison Agnew's 11th grade Honors English class at Eastmont High School began the Honor By Listening program last year, which pairs each student with an elder in the Wenatchee valley to document his or her personal history. After the student recorded and transcribed oral testimonies, they wrote out each story in narrative form.

Businesses and leaders in the community support the process. Representatives from the North Central Washington Museum gave the students lessons on interviewing techniques and how to transcribe oral histories. Local librarians, attorneys, and business leaders joined educators to help the students edit their narratives. Materials and funds for publishing the final product came through donations from local businesses. It was a marvelous community effort.

Incidentally, one of my own staff members, Don Moos, has volunteered countless hours of his time to help connect students with potential interviewees. Don himself is a veteran who fought in the European theater during World War II. In fact, he won a Purple Heart in the Battle of the Bulge, but I have yet to hear his whole story though we have been friends for years. I look forward to reading about his experiences.

This year the junior class at Eastmont will continue the program. It already has obtained a list of 200 possible candidates to interview this fall.

I am proud of the efforts these students are putting forth to not only learn about, but to preserve, the rich heritage of Washington State. It is efforts like these that convince me I am heading in the right direction with my Straight A's bill. If we give educators the freedom and flexibility to meet the unique needs of their students, while providing them with a system of accountability for the results, we will see more innovative programs like this one.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

THE VA–HUD APPROPRIATIONS BILL

Mr. CONRAD. Mr. President, last Friday, the Senate passed the VA–HUD appropriations bill. I first want to commend the chairman and ranking member of that subcommittee for the superb job they did in managing that legislation as it went through the Senate.

I do want to indicate a concern about what was missing in that bill because there is one program that was not funded which I believe is very important to the country, certainly to my State, which is the Community Builders Program. It is my hope that this problem can be corrected in the conference committee. I asked the chairman and the ranking member of the VA–HUD appropriations subcommittee to pay special attention to attempting to provide the resources necessary to keep the Community Builders Program going.

Despite HUD's successful efforts to reduce staff and provide better service, the committee bill will result in the termination of more than 400 community builders across the country. That is a program that is working. This program is designed to bring new blood into that agency. It has been called a prototype for the new type of public servant in the 21st century. HUD, in recruiting for those 400 positions, had over 9,000 applications, including lawyers, academics, and economic and community development experts. These are people who were asked to come and give 2 years to helping revitalize HUD. We signed them up. We recruited them. We signed contracts with them, and now we tell them, sorry, we have changed our minds—even though the program is working. I don't think so.

The individuals who were selected to participate in community builders are experts in community outreach and development, who agreed to a 2-year term of service with HUD. They don't sit at a desk in Washington. They work in the 81 field offices doing face to face contact with people in the communities in which they serve. This is a program that has received accolades from every independent source that has looked at the program, including evaluations conducted by Booz, Allen & Hamilton, the respected private firm, PricewaterhouseCoopers, one of the major accounting firms in the country, and the public strategies group—all who made independent reviews of the Community Builders Program and all of whom said it was a significant improvement for HUD.

If the community builders are now eliminated, some HUD field offices will drop below the minimum staffing level and will have to close. That includes the only office in my State. We have only one and it is going to close. Some people say: North Dakota is a small State, a rural State, you don't have many housing problems. Well, I can tell you that is not the case. We do have serious housing problems. Go to the Indian reservations in my State and you will see housing problems that are enormously serious.

But more than that, when disaster strikes, HUD is absolutely critical. We saw that in 1997 when the flooding disasters hit eastern North Dakota. Let me say that HUD's presence in the State was critically important to the recovery in North Dakota. Secretary Cuomo, in particular, was absolutely superb in his response to the crisis. He understood the very human impact this devastating flood was having on the people of Grand Forks and the people of eastern North Dakota, and he responded. He went out of his way to make certain that HUD's response took into account the unique circumstances of this event.

Rarely have I seen public servants respond in the way we saw in the 1997 flood disaster in North Dakota. I have heard lots of criticisms of HUD over the years, but I can tell you firsthand that their response was extraordinary, and I will never forget it.

Let me give one example. After the disaster bill passed Congress, top HUD staff, including the Secretary, stayed and worked all weekend at HUD headquarters in order to get the money out to North Dakota. That is a level of commitment we rarely see. They were there Saturday, Sunday, from morning until night, to get the money flowing. Indeed, we were able to get $50 million into the hands of the Grand Forks community within 48 hours after the legislation passed. That is the kind of performance one would like to see from public servants on a routine basis. That is what we saw from HUD. They delivered, and they delivered in a way I think makes us all proud.

Because of HUD's quick work, Secretary Cuomo was able to provide that $50 million in disaster recovery funds to the city to meet the immediate needs shortly after the bill was signed by the President. Without those funds and the dedicated work of countless HUD staff, Grand Forks would not have been able to recover from that devastating flood. I toured Grand Forks with the head of FEMA, James Lee

Witt. We were there during the August break, and we saw the resurgence of that community. It is remarkable. This is a town where more than 90 percent of the homes were affected by flood. This is a community that was also hit before the floods by the worst winter storm in 50 years. Then the floods came. In the midst of floods came fire. It was an extraordinary series of events, but there was also an extraordinary Federal response, and I am here today to thank my colleagues who stepped forward and were willing to assist. But I also want to recognize the extraordinary work of HUD, and specifically Secretary Cuomo, because rarely have I seen the kind of response we saw during our period of crisis. In part, it was because he had this new mechanism, these community builders across the country who were infusing new energy and new ideas into the agency that made that response possible.

In Washington, we hear over and over that government needs to be more responsive to people's needs and that government needs to be more flexible and work similar to the private sector. I can say that in Grand Forks, HUD did just that. Grand Forks is not an isolated example. We saw it up and down the Red River Valley. It wasn't just in Grand Forks; it was in Fargo; it was in Wahpeton; it was in Grafton; it was in Menoken. Town after town that was threatened had a full Federal response, and no agency was more responsive than HUD; no people were more helpful than those community builders.

That is why I thought it important to come to the floor and say restore the Community Builders Program, restore it in the conference committee. Let's not recruit some of the top people from all across the country, asking them to serve for 2 years, and then, after a year in a program that has been deemed successful by every independent entity that has examined the program, say to them: Forget it; go home.

The amazing thing is, they won't go home because we have signed contracts with them. If we don't fund it, we are still going to have to pay for those positions.

I hope very much the conference committee will restore the funding to the Community Builders Program, to say to those 400 people who have given so much, we recognize their contribution; we intend to keep them as part of a new HUD, a HUD that has been reformed, a HUD that is responding in a splendid way to disasters such as the one we faced in North Dakota.

Mr. DORGAN. Will the Senator yield?

Mr. CONRAD. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, I was pleased to hear the remarks of Senator CONRAD about the Community Builders Program at HUD. I echo all of the comments he made about the difference that HUD made in the lives of the people in the Red River Valley who suffered so immensely from the massive flooding that occurred a couple of years ago.

I am on the Senate Appropriations Committee, and we had a discussion about the Community Builders Program. I share the feeling Senator CONRAD has expressed on the floor of the Senate about that program. It seems to me we ought to find a way to continue to fund that program. These are people all across this country who are making a difference, men and women who give new energy and new vitality to the Department of Housing and Urban Development. I think it is a step backward for this Congress to say that program doesn't work. We know it works. We know firsthand its value. We understand its contribution in our communities and other communities across this country.

I placed a statement in the RECORD a couple of days ago about this subject. I was pleased to have my colleague describe this in more detail, its functioning in the context of what we experienced.

I ask the Senator if he doesn't believe, in the end process, in the overall scheme of the amount of money that is spent and invested by the Congress, if the funding for the Community Builders isn't almost an asterisk of an amount, but so significant in terms of what it means to the new direction in HUD and to the capability of HUD to provide new energy and new vitality to these programs. Is it not the case that funding for this program can be done easily, without cost to other programs, but in a way that will make it an incredibly important investment in HUD in the long term?

Mr. CONRAD. The Senator is exactly right. I think back to the time when we were in the midst of that crisis and what a splendid response we got from HUD.

I think people are often critical of Federal agencies. Certainly HUD, especially in the past, has received lots of criticism—well deserved, unfortunately. However, this new Secretary, Mr. Cuomo, has done a remarkable job of transforming that agency. We saw it firsthand in the flood disaster of 1997. Not only did they stay in all weekend down at HUD to get the money out to the affected communities, which was a splendid performance, but they were with us every step of the way in revitalizing and rebuilding that community.

We have just seen the result. The Senator from North Dakota was with me and with James Lee Witt as we toured Grand Forks to see how that community is coming back. It would not have happened, the mayor of Grand Rapids said to me when we were at the League of Cities meeting Saturday night in North Dakota, without the assistance from the Federal Government that was received by the community of Grand Forks.

The key agencies were obviously FEMA and HUD, also SBA. All of those were major contributors, as well as the Commerce Department and EDA. Those four agencies made a profound difference. The mayor said to me flatly, without the contribution made by HUD and Secretary Cuomo, that town would not have come back in the way it has in just this short period.

It is truly amazing to drive through the streets of Grand Forks now, to see the schools that have been rebuilt, to see the downtown that is under construction—a new corporate center, a new county facility—to see other buildings that are being rehabilitated, to drive through the neighborhoods and see the new homes that have been constructed, hundreds of new homes, to see the devastated homes that have been taken out, to see the new greenway that is being created, and to go across the river and see a brand new superstore that is being built and will attract hundreds of thousands of people a year. This is a testimony to programs that work.

We all know there are Federal programs that don't work. We all know there are times when Federal money is not well spent. This is an example of when the Federal Government proved its worth and proved its mettle, performed, and made a difference in the lives of tens of thousands of people.

I want to publicly commend Secretary Cuomo and the people at HUD and to say this Community Builders Program ought not to be thrown over the side. We have 400 people who were recruited from 9,000 who applied to come to work for the Government for 2 years—in and out—to add their expertise and energy. We ought to continue the experiment. We know from every independent analysis this is a program that has worked.

BUDGET SURPLUS

Mr. CONRAD. Today the Office of Management and Budget announced the unified budget is in surplus for fiscal year 1999 by at least $115 billion. That is significantly higher than the unified surplus of $70 billion for fiscal year 1998 and, in fact, is the largest dollar surplus in the history of the United States.

This is a good day. This is a good day for the country, and this is a good day for the Congress. It is certainly a good day for the President and the administration.

In 1992, the budget deficit was $290 billion. The forecast then was that the deficit for this year would be over $400 billion. That was the forecast in 1992 for where we were headed if we didn't change course. We did change course. The President proposed, and the Congress passed, a plan in 1993, a 5-year plan, that has worked splendidly. In each and every year of that 5-year plan, the deficit came down. In 1997, we passed a bipartisan addition to that plan. That addition closed the gap, made the difference, and finished the job. Now we can report we have budget surpluses.

The job is not fully complete because while we are reporting a $115 billion surplus this year, the Social Security surplus is $124 billion. In this year, we are still using $9 billion of that $124 billion Social Security surplus for other things. We shouldn't do that. It ought to stop.

But what dramatic progress we have made. We have gone from budget deficits of $290 billion just 7 years ago to a $115 billion budget surplus this year, and we are within hailing distance of stopping the raid on the Social Security trust fund. The Social Security trust fund is a $124 billion surplus in fiscal year 1999, and we are running a surplus of $115 billion. So we are very close to stopping the raid on the Social Security trust fund.

I hope very much we are able to stay on that course. We know that is in real jeopardy for fiscal year 2000. We know that if everything plays out as is currently contemplated in the Appropriations Committees, we will be using between $30 billion and $40 billion of the Social Security surplus next year. We will be going backwards. Let's not do that. Let's not go backwards. Let's keep moving forward. Next year, let's be able to report that we are not using any of the Social Security surplus for any other purpose. That ought to be our goal.

We are now in this remarkable position of being able to say that if we stay the course, if we don't go out on some big, new spending binge, if we don't have some radical, reckless tax scheme, we will be able to balance the budget without counting Social Security and we will be able to eliminate the publicly held debt of the country in the next 15 years.

Every economist who has come before the Senate Budget Committee and every economist who has come before the Senate Finance Committee has said the highest and best use of these surpluses is to reduce the debt. What we did in 1993 confirms that view.

Remember that in 1993 we took action on a 5-year budget plan to reduce the deficit each and every year. The idea was, that would take pressure off interest rates and that would give the greatest lift to the economy, that by reducing deficits and debt, we would reduce pressure on interest rates, that lower interest rates would help our economy perform more strongly, and we would improve our competitive position in the world.

How well that strategy and plan have served this country. Each and every year of that 5-year budget plan passed in 1993 we reduced the budget deficit. Each and every year we were moving towards lower spending as a percentage of our gross domestic product. Every year of that 5-year budget plan we were moving towards the point at which we could start reducing the national debt. That plan worked.

Now we are able to see the longest economic expansion in our history, the lowest inflation in 30 years, the lowest unemployment in 30 years, and the lowest welfare rates in 30 years, with total spending of the Federal Government being reduced. We have gone from 22.7 percent of our national income, our gross domestic product, going to the Federal Government to this year it being down to 19 percent. We are headed in the right direction. Let's keep that up.

Let's move to a circumstance in which we will be able to report next year that we have stopped raiding the Social Security trust fund. Let's be able to report that we are on schedule to eliminate the publicly held debt of the United States in 15 years. What a great thing that would be for our country. How well that would position us for the baby-boom generation, because pretty soon we baby boomers are going to start to retire. We are going to add dramatically to the burden on the Federal Government from Social Security and Medicare, and the single best way to prepare for that eventuality is to reduce publicly held debt. We can do it. It is within our grasp. But we have to avoid new spending schemes and we have to avoid risky tax schemes if we are going to deliver on that promise.

I hope very much that together we will stay the course and put America in a circumstance in which it is able to announce in 15 years that there is no publicly held debt in America. What a great circumstance that would be for our Nation. I can't think of anything that would be a better present to our children and our grandchildren than to be able to eliminate the publicly held debt in the next 15 years.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

THE IMPORTANCE OF EDUCATION

Mr. DORGAN. Mr. President, I want to make a few comments about the subject of education.

We will have two votes later today on two competing resolutions offered by the majority leader and the Democratic leader here in the Senate on the subject of education. I would like to make a couple of comments about that general subject.

Some long while ago, I was touring refugee camps as a member of a hunger committee in the House of Representatives. One of the camps I recall visiting was on the border between Honduras and Guatemala.

At the United Nations High Command for Relief Operations camp that they were running there on the border of Guatemala, I saw a lot of impoverished people who had been forced to leave their homes and were living in the camp. I visited with some of them through an interpreter. One older fellow, probably in his seventies, could not speak English but he motioned with his hands for me to come with him.

So I followed him about 20 paces or so back to this area where he was living in a tent with so many others. The refugees at this camp had cots to sleep on, and this fellow reached under his cot, and from among his meager belongings, which would have fit in one small knapsack, he pulled out a very small book. Then he grinned a rather toothless grin. He had only a few teeth in his mouth, but his smile was a mile wide as he held up this book to show me. The interpreter who had walked with me into that tent said: He wants to show you the book he is learning to read.

Here was a man living in a refugee camp, sleeping on a cot, in a tent with many others with only a meager subsistence who was proud to show a visitor that he was learning to read. The book he held up to show me was the Spanish equivalent of a ''See Spot Run'' book. In halting Spanish, he read a couple of pages, and the interpreter interpreted what he was reading for me.

I have always remembered those circumstance because there on that dirt floor, in that tent, in that refugee camp, this fellow in his seventies was enormously proud of being able to learn to read, even though he was on his first primer book.

This story illustrates for a lot of people how important it is to be educated and to have opportunity. How does it happen that opportunity exists in some societies and not in others? How does it happen that we in America have been so fortunate while some others have not?

I have told my colleagues before that one of the first visits I made when I came to Congress was to the oldest Member of Congress at the time, Claude Pepper. He was then in his late eighties. Above the chair in his office were two photographs autographed to him. The first photograph was of Orville and Wilbur Wright making the first airplane flight. Orville Wright had autographed it to Congressman Claude Pepper before he died. Beneath it was an autographed picture of Neil Armstrong walking on the Moon, also autographed to Congressman Claude Pepper.

I was struck by those two gifts from the first persons who learned to fly and then from the first person to fly to the Moon—autographed pictures that occurred in the span of Congressman Pepper's lifetime.

What was it that caused that explosion of knowledge, learning, and technology? The answer: Education. It was our education system that said to every young boy or girl in this country: You can become whatever you want to become. You can be a physicist, a scientist, a doctor, a barber, a mechanic. You decide what you want to become, and our education system allows your young minds to flower and to develop their full potential.

How is it that in our country we invented the television, we invented the computer, we invented plastic, radar, the silicon chip, we learned to fly, we

flew to the Moon, and now we splice genes? That all comes from education.

This education system of ours is not perfect. Through public education in America, we have decided there will be universal opportunity for all children and our obligation is to maintain a public school system to provide that opportunity for all. In our public schools in this country, we have about 53 million students who went to school this morning, 53 million children in kindergarten through high school, and that number is going to continue to increase. Our challenge is to have education policies that invest in our schools to make sure those children are attending good schools.

When they walk through the door of a school, we want to make certain children have a good learning environment. Yet we have crumbling schools across this country. I have spoken on the floor at length about some Indian schools I have visited that no one in this Chamber would want their children to attend, but there is not enough money to invest in fixing these crumbling schools. What are we doing to attract and retain the best teachers? Do we have enough money to do that?

Some say these things are too expensive. Yet in the Senate we have folks saying, although we cannot increase education funding, we have enough resources to provide a $792 billion tax cut over 10 years. That is our priority, they say. But we do not have enough money to fund this Federal investment in education. In fact, what has happened is that the $792 billion tax cut is only possible if we put a squeeze on domestic discretionary spending that means there is not enough money to fund education.

My colleagues on Friday described the consequences of the Republican actions. The Republican budget allocation for education, which is 17 percent lower than the 1999 levels, would provide 5,246 fewer new qualified teachers, 50,000 students would be denied afterschool and summer school programs, 142,000 children denied access to Head Start, 100,000 students denied Pell grant awards, and the list goes on because there is not adequate funding to do that.

Some of us believe there are certain obligations we have to maintain a strong public education system. To do that, we have put forward a proposal that does not cost very much but that would allow the refurbishing and remodeling of 6,000 public schools nationwide. Many of these schools across the country were built after the second world war and many of them are in desperate need of modernization and repair. This is a need not currently being met, and we have proposed a method to meet it. Helping local communities to reduce class sizes by being able to hire more teachers, ensuring teachers get the professional development they need to stay on top of their subject matter, increased funding for special education, and providing 1 million more children with access to constructive afterschool programs—all of these are important ingredients for developing a public education system we can be proud of and one that continues to work.

There is a big difference in these proposals and what those on the other side of the aisle have proposed. I am proud to be part of a political party that has always viewed education and investment in this country's children as a priority. There are some people serving in the Senate who have said let's abolish the Federal Department of Education. They have stopped actively trying to do that because they know it is massively unpopular with the American people and so we do not hear much from them anymore. But that is what they believe; that is what they would like to do. They have a right to that belief. I respect that, but I disagree with it profoundly because this country's future progress and opportunities rest on our ability to educate our future, our young children. It is our responsibility to educate our children in good schools with good teachers in classrooms that are safe.

I hope that, when we vote on the education resolutions before us this evening and when we continue to discuss this issue in the days ahead, we might reach a consensus among everyone in this Chamber that education ought to be the engine driving the budget train. It ought not be the caboose on this appropriations train, it should be the lead car. Education ought not be dealt with as an afterthought. It ought to be the priority for this Congress.

Mr. President, I yield the floor. I make a point of order a quorum is not present.

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

The legislative clerk called the roll.

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

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

FAMILY FARMERS AND THE TRADE DEFICIT

Mr. DORGAN. Mr. President, I want to take some time to talk about a couple of items that are related to the desperate crisis facing America's family farmers. One, what the conference committee on Agriculture Appropriations, of which I am a member, is doing—or, as is more accurate, not doing—to help them. Second, I want to talk to the issue of the burgeoning growing trade deficit.

I will talk for a moment about the Agriculture appropriations bill which is now in conference between the Senate and the House. I am a conferee. The Senate passed its version of that bill and included roughly $7.4 billion in emergency help for family farmers because prices have collapsed and farmers are in desperate trouble. We passed that on August 4.

Weeks and weeks went by and nothing happened. No conference. No meetings. Then last week, those of us who are conferees met with the House of Representatives. Then the Chair called an adjournment. The Members of the House called an adjournment, and we have not met since. Nearly a week later, and there has been no meeting since.

Why? They are all hung up on the House side of the conference with respect to the question of whether we should retain embargoes on food and medicine.

The answer to that is simple: Of course not. Of course we should not retain any embargoes on food and medicine. That is what the Senate said. By a vote of 70, the Senate said let us stop using food as a weapon.

We have used food as a weapon against Cuba, Iran, Iraq, North Korea—you name it. We have embargoes. I do not have any problems with embargoes against countries that are behaving badly, but the embargo should not include food. Why would you want to include food and medicine in embargoes that hurt the poor folks around the globe, the people who need the food and medicine?

I have always maintained that when we put an embargo on food shipments anywhere in the world, it is the equivalent of shooting ourselves in the foot. When you do it for 40 years, it is almost unforgivable. It is one thing to shoot yourself in the foot; it is another thing to take aim, hit it, and then brag about it. That has been the policy.

The Senate, by 70 votes, said: No more; we are going to break the back of food embargoes; we are going to stop using food as a weapon; over; finished; done.

We went to conference, and the House of Representatives said: No, we want to continue using food as a weapon in some circumstances. The result is, we have not even been meeting in that conference, and the emergency help that is needed for family farmers around this country is not getting done because the conference is not meeting.

Hurricane Floyd roared up the east coast, and I am told that there are over 100,000 hogs floating belly up dead in floodwaters, along with a million chickens, untold heads of cattle and horses. There are crops underwater, devastated, and gone. The folks down in that region who were so badly hurt by Hurricane Floyd are flat on their backs wondering how they are going to get through this. How they will get through it depends on this Congress deciding whether it will extend a helping hand saying: When a natural disaster strikes, we want to help you.

Other farmers in my home state were flooded out this spring. Over three million acres of farmland did not get planted early this spring, and family farmers who did get acres planted have discovered that if they got a crop, it was, in many cases, a bad crop with sprout damage. If they got a good crop

and hauled it to the elevator, they were told by the grain market their crop was not worth anything because prices had collapsed.

The bill before the conference committee is a bill that provides from the Senate side, not the House side, emergency help for collapsed prices and disaster relief for the massive loss of livestock and for prevented planning. All of those issues are critical for family farmers. If this does not get done, we will have family farmers going belly up in record rates in the next couple of months.

It is unfathomable to me that we have this interminable delay in something that is so urgent. There wasn't a delay in passing a $792 billion tax cut that we could not afford, spending $792 billion in tax breaks over 10 years based on the premise that we might have surpluses in the future. We do not have surpluses yet. All we have are projections by economists.

Nobody knows what is going to happen in the future, but we are told to expect surpluses for 10 years. So before the first real surplus exists, we have folks rushing to the Senate Chamber to cut nearly $800 billion in taxes. There was an urgency to do that, a real urgency. We had to get it done immediately. But, of course, on the issue of providing disaster relief to family farmers, there is not quite the urgency, at least not for some.

There is a crisis in farm country. This deserves a response now. The conference ought to be meeting. We ought to pass emergency relief. We ought to pass disaster relief. We ought to extend a helping hand to farmers of this country to say: You matter. We care and want to help you get through these tough times.

Let me turn to the other issue that is related to the family farm crisis, the trade deficit. Last week, we heard from the Department of Commerce. We see in the newspapers that the trade deficit has gone up once again to a record high of $25.2 billion last month alone.

What does that have to do with farmers? It means we are selling less overseas than we used to. We are importing much more from other countries.

Here is an example of what is happening with our trade deficit with Canada. Mr. President, on this chart, 1998 is in blue; 1999 is in red. There was nearly a doubling of the trade deficit with Canada in one year, a dramatic increase in the trade deficit with Mexico, and a dramatic increase in the trade deficit with the European Union. Of course, these are much lower than the trade deficits that exist with China and Japan. We have huge trade deficits with China and Japan.

In addition to all of this, our family farmers in North Dakota who are hurting so badly are suffering from a massive quantity of durum wheat being shipped into our country, in my judgment illegally, by the Canadians. Last year saw the largest amount of durum wheat imports, and in the first 6 months of this year, the level of imports is 80 percent above that.

What is being done about all of this? Senator BYRD, Senator STEVENS, and I and others were able to establish a Trade Deficit Review Commission last year. That Commission is now meeting to make recommendations on the trade deficit. Otherwise, this matter has met with eerie silence. We do not hear anything from the administration. We do not hear anything from Congress about this issue.

This is a very serious issue that could easily undermine this country's economic growth. We have to do something about it, and we have to do something now. One of the things we ought to do is expect this administration to stand up and take action against unfair trade, which is part of this. I will show you what they have done.

We have a trade dispute with Europe, and the trade dispute actually is about a couple of things. One is beef, which is legitimate. The second is bananas. We do not produce bananas in the United States. We have American corporations that get bananas from the Caribbean and want to ship them to Europe. Europe does not want the Caribbean bananas, so we have a trade dispute on behalf of American corporations that are shipping to Europe something we do not produce. So we are right and they are wrong. On the merits we are right.

It is always surprising to me. We fight so hard over bananas. How about durum wheat? Durum wheat deals with semolina flour. Semolina flour is made into pasta. When you eat pasta, you are eating something from the wheat fields, often in North Dakota. What about standing up for those producers? We stand up for banana producers in the Caribbean. What about standing up for wheat producers?

What have we done now? We have done nothing about the unfair trade from Canada, but we have taken tough action against the Europeans with respect to the banana and beef hormones cases. We said to the Europeans: You better watch it. We're going to take action against you on Roquefort cheese. That is tough. You whip somebody with Roquefort cheese. You can have a big fight.

Or even better, we are going to take action against your Roquefort cheese and chilled truffles. That is strong action. This is going to scare the devil out of the Europeans.

Do you know what else we are going to do? We have decided we are going to take action against goose livers. If that does not scare the Europeans, it will at least scare the geese. Goose livers, chilled truffles, Roquefort cheese—and finally tough action against animal bladders. That is not all. There are some regular things as well.

If we are going to get tough on trade—and I have been waiting for this a long time—maybe we can get tough on durum wheat. But, no, not us, not our trade ambassador. We get tough on goose livers. Maybe I missed the point. Maybe everybody in the world will miss the point.

If we can't stand up and insist on fair trade, on open markets overseas—and, yes, on fair trade at home, to be sure—if we can't do that, this country will never get this trade deficit under control.

The trade deficit is huge and growing. Almost everyone understands that it is dangerous. It is unsustainable. It will inevitably result in a weakened dollar and higher interest rates and less economic growth. This country must get a handle on the trade deficit.

I have sent a letter to President Clinton once again and said to the President: If this trade ambassador is not willing to take action against the Canadians, replace the trade ambassador. The Canadians are just one issue. Replace the trade ambassador if she will not take action.

This ambassador has the authority to self-initiate a trade complaint, and ought to do so. If the failure to do so at USTR is due to the ambassador, get an ambassador who will.

We are willing to get tough with the European over bananas—that we do not produce here.

Forgive me for being cynical. Forgive me for wondering if there is some common sense around here. How about standing up for things that matter in a way that says to our trading partners: This country demands action. This country demands open markets. This country demands fair trade. This country demands a stop to dumping in our marketplace. This country demands an end to unfair trade at secret prices by State trading enterprises that would not be legal in this country.

How does this relate to farmers? As I said before, family farmers must find a foreign home for much of what they produce. Regrettably, our trade policy has now produced very large trade deficits for two reasons. One is because foreign markets have evaporated, dried up, been reduced in size.

It is true that no one in the Congress or the administration caused the Asian crisis. I understand that. Yet there are other problems—the failure to enforce fundamental trade laws, the failure to enforce NAFTA, the negotiation of incompetent trade agreements; and then the failure to even live up to those incompetent agreements. This is not, in my judgment, something that we should be expecting from our trade representatives.

Mr. President, I know my colleague from Utah is seeking recognition. How much time remains, if I might inquire?

The PRESIDING OFFICER. Six minutes 51 seconds.

Mr. DORGAN. Let me take about 2 or 3 additional minutes. I know my colleague has things he would like to say to the Senate, as well.

Let me conclude by saying this. I regret coming to the floor and talking in these terms about the trade ambassador's office or about the administration. I think the trade strategy of this

Congress is abysmal, to the extent we have one—and I guess largely we do not because you do not hear anybody talking about a trade strategy except myself and a couple others.

It is this Congress that passed NAFTA. It is this Congress that passed the United States-Canada Free Trade Agreement. It is this Congress that passed the WTO. I didn't vote for any one of the three. But we helped cause these problems, and we ought to help solve them.

This administration has a responsibility, and so does this Congress. And this Congress bears responsibility for the farm policy, the underlying farm policy that relates in some part to this trade policy that is such a significant failure.

Our President has been very helpful in trying to push for a disaster and emergency package that will be helpful to family farmers, to save them from catastrophe, the catastrophe of collapsed prices.

How would anyone in this Chamber, how would anyone in this country like to do business when someone says to you: By the way, your income is going to be changed this year. You say: How is that? And they say: You are going to receive depression-era income. We are going to adjust your income to depression levels.

That is what has happened to family farmers. How many here would like to lose 40, 60, or 80 percent of your income and be told that is the way the market system works? It is not the way it works in a country that cares about producing on the land with a network of family farms.

Europe does not do that. Europe has 7.5 million farms. And it says: We want you to stay on the farms because we want to have a healthy rural system in our country, with small towns that are thriving and family farms that are making a living.

That happens in Europe. It happens because they have public policy that demands it. This country does not have comparable public policy. I hope that it will someday soon.

This Congress must create that public policy. This President will lead in that direction. That is what he believes. This President is strong on those issues. I criticize this administration on trade. On farm policy, this administration has been very helpful.

It is this Congress that is dragging its feet. As a member of the conference committee, I hope very much that we will soon get back to work on an emergency and a disaster package to respond to the desperate needs of family farmers.

I also hope this administration will take action, aggressive action, to deal with these trade problems. I hope the administration and Congress will understand the gravity of the trade deficit and the gravity that the unsustainable increase in our current account deficit poses to this country's economy.

Mr. President, I thank the Senator from Utah for his courtesy.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his kindness.

FEDERAL TOBACCO LAWSUIT

Mr. HATCH. Mr. President, never in my years of service to the people of Utah and this country have I witnessed an administration more inclined to twist, deform, or ignore, the rule of law than the Clinton administration. The past 7 years are replete with exploits of legal manipulation. Indeed, the legacy of the administration may prove to be that its most significant exploits—infamous or otherwise—were accomplished by warping the law for blatant political purposes. Here are just a few of the most notorious examples: Attorney General Reno both misapplied and ignored the Independent Counsel Act in order to prevent the appointment of an independent counsel in the campaign finance investigation; the 1996 election fundraising scandal where soft money prohibitions were ignored and foreign donations were illegally and eagerly accepted; fundraising from the White House—it was deplorable the Escalante Proclamation, where a huge chunk of Southern Utah was effectively annexed by the Federal government without any prior consultation with Utah officials, to my knowledge—certainly not any elected officials; the misuse of FBI files by the White House—the myriad proclamations of Executive Orders as a vehicle to skirt the authority of Congress; and just to mention one more, the violation of the Vacancies Act to hold in office individuals lacking Senate confirmation.

This list does not even include the myriad events, dissemblance, and contempt for the law and our courts, which brought us the impeachment.

Given this record, I must confess that I wasn't shocked to learn that the Department of Justice may have misled Congress in sworn testimony and then filed suit against the tobacco industry.

Last Wednesday, the Department of Justice filed in Federal district court a multibillion dollar suit against the tobacco industry seeking recoupment of losses to Federal health care programs. After reviewing the 131-page complaint, I have serious reservations concerning several key counts in the complaint. Moreover, I am skeptical of the entire lawsuit.

It is well known around here that I am no friend of tobacco use, nor an apologist for the tobacco industry. Indeed, I have never used tobacco products in my life and am opposed to tobacco use. I never inhaled or chewed tobacco.

Along with my cosponsor, Senator FEINSTEIN, I worked hard last Congress to pass legislation that would have gone a long way in helping Americans to kick the habit and in reducing teen smoking. The legislation required the tobacco companies to pay over $400 billion to settle existing lawsuits—$429 billion, to be more accurate. In return for the settlement of these lawsuits, the companies would have stopped targeting children and would have funded smoking cessation efforts.

While this measure has yet to pass, I strongly believe that the fairest and most effective solution to the use of tobacco is omnibus legislation such as the Hatch-Feinstein bill rather than relying upon legally dubious lawsuits. Litigation cannot effectively deal with important public policy problems, such as what measures the industry must take to reduce youth smoking or what effect will rising prices have on the black market for cigarettes.

Given my skepticism about the administration's fidelity to the rule of law, I have several questions concerning the Federal lawsuit. The first question I have is, What is the administration's motivation here? It has been reported that many attorneys at the Department of Justice opposed filing of a lawsuit because the Federal Government did not possess a valid cause of action or claim against the tobacco companies.

Indeed, Attorney General Reno, at the April 30, 1997, hearing before the Judiciary Committee, testified that no Federal cause of action existed for both Federal Medicare and Medicaid claims. I disagree with the assertion made by David Ogden, Acting Assistant Attorney General for the Civil Division and the current nominee for that post, that Attorney General Reno was referring only to State actions. Ms. Reno's contention that no Federal cause of action existed was made clearly in response to a question by Senator KENNEDY, who asked whether the Federal Government could recoup both Medicare and Medicaid payments.

It was only after President Clinton, in his State of the Union Address in January, called for a suit against the tobacco industry that the Department of Justice changed its tune and, presto, announced that a legitimate cause of action may exist.

I have been criticized in the past for saying that the politically minded and partisan White House, and not the Attorney General, is in reality running the Department of Justice. In the case of the Federal tobacco litigation, it appears once more that the White House is directing the activities of the Department of Justice for political ends. This lawsuit is a horrible precedent that, if it continues, will erode the liberty of the American people. Here again, the rule of law is apparently being replaced by the rule of the politically correct and expedient.

I urge my colleagues to read the fine story appearing in last Friday's Wall Street Journal entitled ''Justice Reverses: Lobbying Effort Wins Turnabout On Tobacco Suit.''

This story chronicled the change in the Department's position concerning the viability of the Federal tobacco suit. The story demonstrated that the Department's attorneys were skeptical about a Federal lawsuit. It also established that the Department brought suit only after pressure from the White House and outside lobbyists, who apparently were paid by an outside consultant for their efforts to help convince the Department to change its viewpoints.

I ask unanimous consent to have this article printed in the RECORD.

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

[From the Wall Street Journal, Sept. 24, 1999]

TOBACCO—JUSTICE REVERSES: LOBBYING EFFORT WINS TURNABOUT ON TOBACCO SUIT

(By David S. Cloud, Gordon Fairclough and Ann Davis)

WASHINGTON.—On a rainy day in January of this year, a group of high-profile academics and lawyers with experience in the tobacco wars trooped into a conference room filled with dour Justice Department officials to make a case for filing a federal lawsuit against the tobacco industry.

The prosecutors were dubious. ''The meeting was tense,'' says G. Robert Blakey, a Notre Dame law professor and member of the group, which some called the Tiger Team. ''You could palpably feel the hostility in the room.''

But this week the Justice Department made a startling turnabout. On Wednesday it filed a massive civil lawsuit in federal court here charging that major tobacco companies carried on a 45-year campaign of deception that obfuscated the risks of smoking and drove up government health-care costs. The suit is potentially the biggest threat yet against the already beleaguered industry. It is also a major test of Attorney General Janet Reno's Justice Department.

The story of how the department overcame its doubts is a tangled one, involving pressure on the department from several directions at once—from the White House, Congress and plaintiffs' lawyers involved in state suits against the industry.

Inside the department, an institutional reluctance to take on a case involving untested legal theories and an industry sure to wage a bruising fight slowly fell away as key officials realized that they had the makings of a case, albeit a difficult one.

The effort to persuade the department to change its mind began over a year ago, following the collapse of efforts to pass sweeping federal legislation that would have broadened regulatory oversight of tobacco companies and settled the state cases. Mississippi plaintiffs' attorney Richard Scruggs called top Clinton domestic-policy aide Bruce Reed at the White House and volunteered to represent the federal government free in an antitobacco case.

''They were excited about it,'' Mr. Scruggs says, and were looking for ways to bring the industry back to the negotiating table before the eventual settlements with all the states. He had several meetings with Mr. Reed and others at the White House. But the White House was having trouble sparking interest at Justice, according to administration officials.

The biggest obstacle was Frank Hunger, another Mississippian, who headed the department's civil division, which would have handled the case. Mr. Hunger had been married to Vice President Al Gore's sister, a smoker who died of lung cancer. Advocates of a lawsuit considered him a natural ally, but it turned out that Mr. Hunger and his top aides were dubious that the federal government had a strong statutory basis to sue the industry.

In a meeting with Mr. Scruggs, Mr. Hunger was cordial, but said: ''My lawyers are telling me we can't do it,'' according to Mr. Scruggs. Mr. Scruggs wrote a memo, to address their concerns, but says he got no response. Mr. Hunger declined to comment.

Mr. Scruggs and his allies had a strong motivation to get the federal government involved. Some of the lawyers had represented states in suits against the industry and were hoping to see those settled, in part so they could collect legal fees. They thought the industry would be more likely to settle if it faced the combined weight of the state suits and the federal government.

During the summer and fall of 1998, they worked other angles in hopes of persuading the Justice Department. They met with Mr. Reed and assistant White House counsel Bruce Lindsey to brainstorm.

Then, later in the autumn, Mr. Scruggs says, he got a call from Sen. Kent Conrad (D., N.D.) informing him that Senators Conrad, Edward Kennedy (D., Mass.) and Bob Graham (D., Fla.) were interested in getting him to do a federal case. To persuade Ms. Reno that her staff was wrong, Mr. Scruggs assembled what he called the Tiger Team of Mr. Blakey; professors Laurence Tribe and Einer Elhauge of Harvard Law School; Jonathan Massey, a Washington lawyer; and Kim Tucker, a lawyer then on leave from the Florida attorney general's office. He estimates that he paid them a total of about $250,000 for their efforts.

Inside Justice, interest in tobacco was building anyway. Mr. Hunger announced his intention to leave at the end of 1998. In December, Ms. Reno made the decision, which was kept confidential, to move forward with the lawsuit, aides said. She designated David Ogden, who succeeded Mr. Hunger, to put together the team. It included William Schultz, a former Food and Drug Administration official and onetime aide to tobacco critic Henry Waxman, a Democratic congressman from California.

Many career lawyers in the department remained skeptical, but President Clinton surprised them by announcing in his State of the Union address to Congress in late January that a suit was in the works.

Working in strict secrecy, 15 Justice Department lawyers reviewed thousands of pages of internal industry documents unearthed in state lawsuits. Roberta Walburn, an outside lawyer who represented Minnesota, was hired to help sift through the evidence and discuss legal theories. One shift of Justice Department lawyers worked by day, another by night.

Other outsiders were rebuffed. Ms. Tucker, who worked with the Scruggs team, said she had trouble getting her calls returned. She says a Justice Department attorney even told her: ''At some point, outside assistance becomes a hindrance. We at Justice will decide what, if anything, is in the interest of the United States.''

Ultimately, the Justice Department decided on a bold use of the Racketeer Influenced and Corrupt Organizations statute, which permits the government to go after profits derived from fraud.

Ms. Reno made the final call to go forward on Tuesday, the day before the suit was filed, a Justice official said. She then telephoned the White House and informed John Podesta, Mr. Clinton's chief of staff.

For President Clinton, the suit holds out the possibility of winning far-reaching restrictions in the marketing and advertising of cigarettes, a legacy he has sought early in his first term.

But that is by no means assured. Tobacco lawyers plan to make a concerted push to have the suit dismissed, on the grounds that the government has no statutory authority to combine millions of individual smokers' claims into a single cost-recovery suit. Also, the industry says the RICO claims seeking ill-gotten profits are unwarranted against a legal industry.

The Justice Department's increasing interest in a civil case coincided with the collapse of its massive five-year criminal investigation of the industry. The case had once seemed promising. But last year, the federal appeals court in Richmond, Va., ruled that the Food and Drug Administration didn't have the authority to regulate tobacco companies. Prosecutors became worried they couldn't charge companies with making false statements about alleged nicotine manipulation to an agency that had no authority over them.

There were other setbacks, too. Brown & Williamson, a unit of British American Tobacco PLC, succeeded in convincing the judge overseeing grand-jury matters to deny the government access to documents the company said were privileged. And several Philip Morris Cos. scientists who were granted immunity in exchange for their testimony revealed little to the grand jury, say people with knowledge of their testimony.

The tobacco industry's jubilation didn't last long. Philip Morris Senior Vice President Steven C. Parrish says an industry lawyer had received assurance from a senior White House official several months ago that a lawsuit wouldn't be filed without the industry getting a chance to make a final presentation. But on Tuesday night, Mr. Parrish says, he learned of the impending lawsuit from reporters.

Mr. HATCH. Another question I have is, Why wasn't Congress consulted? Months prior to the filing of the lawsuit, I had been attempting to ascertain on what legal theories the Department may base a lawsuit against the tobacco companies, but the Department has refused to share the information, even though the Department has asked for an additional $20 million to finance the suit. I assured them that the American people and the Congress will want to know what they are paying for. Congress is not in the habit of writing blank checks, and, in the absence of a straight answer, Congress appropriately refused the additional monies.

Notwithstanding the clear position of Congress, I learned of the filing of the suit from the newspapers. This is particularly galling since the Acting Assistant Attorney General for the Civil Division and the nominee for that office, David Ogden, in written responses dated September 2 to my questions concerning the possible suit against the tobacco industry, wrote that the Department had not even decided whether to file the suit or on what legal theories to pursue any projected litigation. He stated at that time:

> The Department is currently in active preparation for this litigation, and we are in the process of making decisions on whether it will be filed and, if so, based on what legal theories.

Now, less than 3 weeks later, the full-fledged suit has been filed.

I have yet another question. Does the Department of Justice have any chance of prevailing on the merits? The Department seeks to ''recoup'' the cost of medical care for treatment of tobacco-related illnesses for those on Medicaid, but the injury claimed by the Federal Government may be questionable. The nonpartisan Congressional Research Service recently issued a study which concluded that tobacco use imposes no net cost to the Federal Government. Indeed, the Federal Government receives approximately $6 billion a year in tobacco tax revenue. Moreover, it is simply absurd for the Government to seek recoupment when it has been a vigorous partner with the tobacco industry in promoting tobacco use.

From the late 1960s to the late 1970s, the Federal Government worked hand in hand with the tobacco industry to develop so-called ''safe'' cigarettes. Until 1974, the Government provided free cigarettes in C rations to servicemen.

Furthermore, cigarettes continue to be sold at substantially discounted rates at military post exchanges. In 1997, the Department of Veterans Affairs blocked claims by veterans for tobacco-related illnesses, contending that these individuals should not be covered because they were responsible for their individual choices and the health problems that resulted from those choices.

Of course, the Federal Government yearly subsidizes tobacco growing. Perhaps the public interest groups should sue the Federal Government, which authorized and fostered the growing of tobacco and the manufacture and sale of tobacco products. Could one not argue that the Government was at least a joint tort-feasor under these circumstances? Furthermore, it is preposterous for the Federal Government now to claim that it did not know of the risks of tobacco use.

Since 1964, the Government has issued Surgeon General reports that warned consumers of the dangers of tobacco use. Since 1966, the Government has required warning labels on cigarette packs. Indeed, everybody not on Mars for the past few decades has known that using tobacco can be harmful.

Besides this hypocrisy and the difficulty in seeing how the Federal Government has been harmed, I question the veracity of at least two main counts of the complaint. These involve alleged violations of the Medical Care Recovery Act, known as MCRA, and the Medical Secondary Payer Provisions, or MSP. The Department of Justice contends that these two statutes create an independent cause of action for the Federal Government to recover Medicaid benefits for tobacco-related illnesses.

Let me point out that the U.S. Supreme Court, in U.S. v. Standard Oil, in 1947, held that, in the absence of a statute, the Federal Government does not possess the independent right of action to recover the medical costs of servicemen. It was in response to Standard Oil that Congress passed the MCRA in 1962 and MSP in 1984. But these changes to Federal law were limited and discrete in scope.

For instance, MCRA allows the Federal Government to independently sue to recover the cost of medical treatment given to military service personnel, veterans suffering from disabilities unrelated to service, and other government workers who received medical help but were injured by negligent third parties. It does not apply to all Medicaid patients nor does it appear to allow the aggregation of all the individual claims in one massive lawsuit, which is what the Department of Justice has done here. Besides aggregating such claims, liability could be proven only through statistics, but I believe a trial based on statistics would be unconstitutional.

Furthermore, MSP allows only for suits against insurance companies providing liability insurance to tort-feasors, but not against the tort-feasors themselves. The MSP cause of action does not apply because the tobacco companies are in no way acting as insurers of their products.

I am still studying the other causes-of-action sounding in violations of the Federal Racketeer Influenced and Corrupt Organization law, better known as RICO, and State civil fraud statutes. But as a preliminary matter, I have serious doubts about their legal viability. RICO, for instance, was enacted to deal with organized crime syndicates. Here we are talking about a legal product, a product that has not only been approved by the Federal Government but which has been subsidized by the Federal Government. RICO does not apply to lawful activities, such as the manufacture and sale of cigarettes, no matter how obnoxious those products may be. For RICO and the State consumer statutes to apply here, the Department must demonstrate that the tobacco industry criminally and fraudulently marketed and sold their products. This is a difficult task that in almost every case has not been successful in a court of law because the harmful effects of tobacco products were well known. Indeed, the day the Department filed a civil suit, it announced that it was terminating the criminal investigation of the tobacco companies and tobacco executives for lack of viable evidence.

I believe these counts of the complaint were added to force the tobacco companies to settle. A successful RICO suit would force the tobacco companies to disgorge all their so-called illegal profits of hundreds of billions of dollars. This would bankrupt the tobacco industry. The Clinton White House is gambling that the tobacco companies will settle and not take the risk of corporate capital punishment in prohibition of all tobacco use. When all is said and done, it would seem that legislation is what is truly needed for a direct recovery suit against the tobacco companies. In short, it seems that this suit lacks merit.

This is not like the State suits against the tobacco companies. I supported the June 20, 1997, global settlement of those suits and conducted a half dozen or so hearings in an attempt to have Congress set a national tobacco policy. The difference is that the Federal suit appears to have no legal basis.

Let me ask rhetorical questions: What is the big deal? Why should anybody care about another suit filed against the big, bad tobacco companies?

I will tell you why. It is for the reasons I stated in this speech. No administration should be able to circumvent the Constitution and Congress' sole authority to raise and spend revenue for the general welfare by suing for billions of dollars and then spending the money without congressional appropriation. If there is no legitimate lawsuit, the action by the Department of Justice would violate separation of powers. That doctrine is a cornerstone of our Constitution's guarantee of liberty. Simply put, litigation should not replace legislation as the means to effect public policy in a democracy.

Granting the Federal Government the unfettered ability to sue any industry which happens to fall into disfavor in order to effectuate a social goal such as reduction in tobacco-related illnesses is a mistake. It would, in essence, allow the executive branch to bypass Congress and the law and set unilaterally our Nation's tobacco policy.

The way to solve the youth tobacco problem and other social problems is for Congress to legislate in an orderly and coherent manner. Litigation will produce ad hoc and incoherent results. Litigation cannot determine, for instance, whether the FDA should regulate tobacco.

There is a disturbing trend in misusing the litigation system for what appears to be social ends. Besides tobacco, Government-sponsored lawsuits have been filed against gun manufacturers and paint manufacturers. It was reported that suits are being considered to be filed against automobile manufacturers, the alcoholic beverage industry, manufacturers of pharmaceuticals and chemicals, Internet providers, the entertainment industry, the dairy industry, and even fast food restaurants are being discussed as potential targets.

Boy, it looks as if the trial lawyers of America got control of the Justice Department. They certainly have control of this administration and its projected successors in either AL GORE or Bill Bradley. Let me quote the distinguished legal scholar and former jurist, Robert Bork, who cogently discerned, in an article entitled ''Tobacco Suit is the Latest Abuse of the Rule of Law,'' published in a September 23 edition of the Wall Street Journal:

The Justice Department's complaint is only the most recent, and it will be by no

means the last, effort to use litigation to bludgeon private firms in order to accommodate a prohibition that government could not muster the political support to legislate. Gun manufacturers are beginning to face the same problem. Why not sue oil companies, whose gasoline leads to traffic deaths, or fast-food chains, whose products contribute to heart disease?

The only difference is political. If the product is sufficiently unpopular with the politically correct, massive public propaganda efforts will ultimately make lawsuits possible. . . .

Law has been warped for political purposes repeatedly, and never more so than in this Administration. Is there no judge who shall call this case what it is—an intellectual sham and a misuse of the courts to accomplish through litigation what cannot be won through legislation?

I ask unanimous consent that the full text of the Bork article be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 23, 1999]

TOBACCO SUIT IS LATEST ABUSE OF THE RULE OF LAW

(By Robert H. Bork)

At least when the nation decided to end the ''scourge'' of alcohol, it had the political courage to ratify the 18th Amendment making Prohibition the law of the land.

Not so in these pusillanimous days. Now, as then, we are in the throes of a reform campaign waged with the vigor and self-righteousness of the bluenoses of old. This time their target is cigarettes, not whiskey. But our politicians no longer have the courage to legislate the end of what they condemn. Instead, they resort to lawsuits in an effort to end smoking by destroying the tobacco companies. The end, apparently, justifies any means, no matter how fraudulent.

States attorneys general have filed multi-billion-dollar suits, allegedly to recover the medical expenses the states have incurred caring for victims of smoking. Never mind that the states have made far more money taxing cigarettes than they spend on medical care. If that were all, we could shrug, as we usually do, at the cynicism of our elected officials. Unfortunately, the damage runs deeper than the pillaging of shareholders in the tobacco companies.

The Department of Justice has just filed suit to recover an estimated $25 billion spent by the federal, military and civilian insurers on smoking-related illnesses. This follows the settlement by tobacco companies with states that calls for payment of more than $240 billion over 25 years. It is, unfortunately, to be expected that states would file such suits. (Not for nothing is the National Association of Attorneys General—NAAG for short—often called the National Association of Aspiring Governors.) But one might have hoped that the Justice Department, even under Janet Reno, was above such chicanery. Not so.

The real damage done by this noxious mixture of governmental greed and moralism is not to the tobacco companies' shareholders (they should have seen it coming and got out a long time ago) but to what we still, with increasing irony, call the rule of law.

The federal and state suits suffer from the same defect, which ought to be fatal. All of these governments have known for more than 30 years that smoking creates health risks. Yet with that knowledge, they all permitted the sale of tobacco products and profited nicely, indeed enormously, from excise taxes. How can A tell B he may lawfully sell a product that A knows will cause injury and then sue B for the injury caused? Maybe the people injured could sue B, or A as well, but the one party that should have no cause of action, no complaint whatever, is A.

In the case of tobacco, the people who smoked and were harmed should have no cause of action either. Governmental and private organizations for decades have been pounding the message that smoking is deadly; cigarettes even come with an explicit government warning. Smokers are harassed in restaurants and expelled from their offices to catch pneumonia on the sidewalks. You cannot be sentient and unaware of the risks of smoking.

The lame answer to all of this is that nobody had a choice because smoking is addictive and the tobacco companies hid that fact from the government and from smokers. First and least important, tobacco is not addictive as medical science has long defined addiction. Second, everybody not in solitary confinement for the last four decades has known that using tobacco can be habit-forming.

The law is being deformed in other ways as well. Government suits against the tobacco companies are designed to remove the defenses that could, justifiably, be asserted against individual plaintiffs. While many juries are disinclined to relieve smokers of the consequences of their own informed choices, the government can try to avoid that defense by arguing that it assumed no risk; others did. But of course the government that authorized the sale of a known dangerous product did assume the risk that, under its own laws, it would have to pay when the risk became a fact. The Justice Department's suit would also render irrelevant smokers' lack of reliance upon any company statements as well as the various statutes of limitation.

If that were not enough, the government is charging a violation of the Racketeer Influenced and Corrupt Organizations law—a statute enacted to deal with organized crime—to force the tobacco companies to disgorge their ''illicit profits.'' No wonder President Clinton thinks the companies will buckle and settle. Perhaps they ought to countersue to force the government to pay back its illicit taxes.

The Justice Department's complaint is only the most recent, and it will be by no means the last, effort to use litigation to bludgeon private firms in order to accomplish a prohibition that government could not muster the political support to legislate. Gun makers are beginning to face the same problem. Why not sue oil companies whose gasoline leads to traffic deaths, or fast-food chains whose products contribute to heart disease?

The only difference is political. If the product is sufficiently unpopular with the politically correct, massive public propaganda efforts will ultimately make lawsuits possible. That is what happened here. Yet even Ms. Janet Reno not long ago told a Senate committee that ''the federal government does not have an independent cause of action.'' But the White House insisted, and the attorney general now says she has studied the matter carefully and—presto!—there is a cause of action after all.

Law has been warped for political purposes repeatedly, and never more so than in this administration. Is there no judge who will call this case what it is—an intellectual sham and a misuse of the courts to accomplish through litigation what cannot be won through legislation?

Mr. HATCH. Mr. President, today's tobacco lawsuit may be tomorrow's beef or dairy industry lawsuit. That is why about 100 trade associations, private business companies, policy organizations, as well as several Governors, have voiced their opposition to this Federal tobacco suit. They understand, as do I, that big government can be as harmful as big tobacco.

I ask unanimous consent that a list of these individuals and organizations be printed in the RECORD.

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

ORGANIZATIONS AND INDIVIDUALS THAT OPPOSE A FEDERAL LAWSUIT

American Insurance Association, American Legislative Exchange Council, American Tort Reform Association, American Wholesale Marketers Association, Americans for Tax Reform, Anchorage Chamber of Commerce, Associated Industries of Kentucky, Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Burley Stabilization Corporation, Business Civil Liberties, Inc., Business Council of New York State, California Manufacturers Association, Cato Institute, Citizens for a Sound Economy, Citizens for Civil Justice Reform, Civil Justice Association of California, Coalition for Legal Reform Member Organizations, Coalition for Uniform Product Liability Law, Coalitions for America, Connecticut Business and Industry Association, Convenience Store Association of Michigan, Council for Burley Tobacco (The), County Chamber of Commerce (New York).

Eastman Chemical Company, Empire State Petroleum Association, Federation of Southern Cooperatives, Food Distributors International, Food Marketing Institute, Frontiers of Freedom (The Honorable Malcolm Wallop), Governors: The Honorable Roy Barnes (Georgia); The Honorable James Hunt, Jr. (North Carolina;) The Honorable Jim Hodges (South Carolina); The Honorable Don Sundquist (Tennessee); The Honorable James Gilmore (Virginia). Grand Lodge Fraternal Order of Police, Greater Dallas Restaurant Association, Gulf Coast Retailers Association, Harney County Chamber of Commerce, Hispanic Business Roundtable, Hispanic Owned Newspapers, Hotel Employees & Restaurant Employees, Houston Distributing Company.

Illinois Chamber of Commerce, Illinois Civil Justice League, Indiana Manufacturers Association, Indiana Petroleum Marketers & Convenience Store Association, Indiana Retail Council, Inc., Institute for Research on the Economics of Taxation, International Association of Machinists and Aerospace Workers, International Paper, Mackinac Center for Public Policy, Manhattan Institute for Policy Research, Mexican American Grocers Association, Mexican Legislative Exchange Council, Michigan Truck Stop Operators Association, Inc., Missouri Council for Burley Tobacco, National Association of African American Chambers of Commerce, National Association of Beverage Retailers, National Association of Convenient Stores, National Association of Manufacturers, National Association of Wholesale-Distributors, National Center for Public Policy Research, National Consolidated Licensed Beverage Association, National Grocers Association, National Korean American Grocers Foundation, National Restaurant Association, National Roofing Contractors Association, National Supermarkets Association, National Taxpayers Union, National Tobacco Growers Association, National United Merchants Beverage Association, Inc., Nevada State A.F.L.–C.I.O., Nevada State Chamber of Commerce, New York State Restaurant Association (Westchester/Rockland Chapter), Newark, City of.

Oklahoma Conservative Committee, Petroleum Marketers Association of America, Republican National Hispanic Assembly, Reynolds Metal Company, Small Business Survival Committee, Small Business United of Texas, South Carolina Association of Taxpayers, South Carolina Chamber of Commerce, Southern Nevada Central Labor Council, Standard Commercial Tobacco, Inc., Tavern League of Wisconsin, Tax Foundation, Texas Association of Business & Chambers of Commerce, Texas Citizens for a Sound Economy, Texas Food Industry Association, United Food & Commercial Workers, United States Chamber of Commerce, United States Hispanic Chamber of Commerce, Universal Leaf Tobacco Company, Virginia Tobacco Growers Association, Washington Legal Foundation, Westvaco, Wisconsin Manufacturers & Commerce, Wisconsin Merchants Federation, Congressman Robin Hayes.

Mr. HATCH. Mr. President, if we are going to solve this problem of tobacco, we need to face the music in Congress. We need to pass legislation that will solve it. One reason why the Hatch-Feinstein legislation would have worked is because we believe as high as it was, at $429 billion, the tobacco companies reluctantly would have had to agree with it. Therefore, we could have imposed the free speech articles on them that would have prohibited them from advertising, while at the same time causing them to have to advertise in a way that would help our youth to understand the evils of tobacco. That, we believed, should be done. I still believe that should be done. It was so fouled up in the last Congress that we were unable to get that done.

So I am concerned about the misuse of the law, to be able to punish any industry that whoever is presiding in the Federal Government decides they are against. I think it is a travesty of justice, and even though I don't like tobacco and I have never used the products, and even though I think something certainly needs to be done in this area, you don't do it by abusing the process of law, which I think this administration has repeatedly done, time after time after time. I think, as history views what has gone on in this administration, it is going to have to come to the conclusion that this is an administration that has not been dedicated to the rule of law, while it has been triumphantly pushing the rule of law upon other nations, hoping they could have something like we have in this country.

The fact of the matter is, it is hypocrisy, pure and simple. I am very concerned that if we allow our Justice Department to continue to act in this fashion, we are going to reap the whirlwind in this country and there will be no business that would be safe from the all mighty power of the Federal Government. There is one thing worse than big tobacco and that is an unrestrained big government. That is what this lawsuit is all about. It is a voracious desire to get money in an industry that should be gotten, but in a reasonably legal way, basically through legislation.

I hope everybody will look at this lawsuit for what it is. I hope the courts will dismiss it so we can get about legislating and doing what we should to resolve the problems about tobacco use and misuse in our country.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, are we currently in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. CRAIG. I thank the Chair. I ask unanimous consent that, following my remarks, Senator DOMENICI may have 10 minutes to speak.

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

GOVERNMENT RUN AMOK

Mr. CRAIG. Mr. President, let me also join with the Senator from Utah for what I think he spoke very clearly about: the run amok of Government and the idea that we are going to craft public policy through the courts of our land. I believe that is the fundamental responsibility of the Congress, both the House and the Senate. Yet we have seen this administration and the trial lawyer community of this country decide that. First, it is tobacco. They are going to tell the world how to think and then tell the States and the Federal Government what the policy ought to look like. Now they are turning on the gun manufacturers. I don't care where you stand on the issue of guns. What is wrong in this country is to suggest that trial attorneys will meet in the dark of night to decide what group they are going to take on next, amass their wealth for the purpose of making hundreds of millions more, and then turn to the Congress and say, now that we have made these findings, go legislate a policy. I don't believe that is the essence of the foundation of our representative Republic.

VALUE OF PUBLIC LANDS

Mr. CRAIG. Mr. President, I came to the floor today to speak about an event which happened this past Saturday that in many States across the Nation went relatively unnoticed. It was National Public Lands Day. It was a time for all Americans to recognize the value we have in our public lands and a time for all of us to give a little something back by volunteering a Saturday to lend a helping hand to improve our public lands.

If you were out and about, you noticed volunteers both in this city on some of our parkways and across the area. But across the Nation, over 20,000 volunteers took some of their precious time. We all know that weekend time in a busy populace is a precious time and, by taking it, they performed over $1 million worth of improvements to our public lands—from helping construct to simply cleaning up and picking up.

In recognition of National Public Lands Day, I want to spend a few minutes today reflecting on the value of our public lands and on what the future holds for them.

There are about 650 million acres of public lands in the United States. They represent a vast portion of the total land mass of our continent. However, most of these lands are concentrated in the West. Coming from Idaho, I recognize that very clearly. There are some States where over 82 percent of that State's land mass is public. In my State of Idaho, it is nearly 63 percent of the entire geography that is owned, managed, and controlled by the Federal Government, or by the citizens of this country.

There can be a great beneficial effect for our public lands, for all of us. For starters, there are a great many resources available on our public lands—from our renewable forests to the opportunities to raise cattle on them, to drilling for oil, to mining for minerals from the surface. And the subsurface of our public lands holds a great deal of resources. We all depend on it for our lives. Without question, our public lands have been the treasure chest of the great wealth of our Nation.

Many of our resources have come from the utilization of the resource of the public land. Having these resources available has afforded not only the opportunities I have spoken to but it has clearly advanced some of our governmental services because most of those resources reap a benefit to the Treasury, and from the Treasury to our schools, our roads, and our national defense. All of these resources and their revenues have helped ease the tax burden on the average taxpayer.

Not only are the taxpayers of our country rightfully the owners of that public land, but we, the Government, and all of us as citizens are beneficiaries of those resources.

Just as important though is the recreational opportunity and the environment that our public lands offer. Every day, people hike and pack in the solitude of our wilderness areas, climb rocks, ski, camp, snowmobile, use their off-road vehicles, hunt, fish, picnic, boat, and swim—the list goes on and on of the level of recreation and expectations we have coming from our public land.

Because the lands are owned by all of us, the opportunity has existed for everyone to use the land within reasonable limits. Certainly our responsibility as a policymaker—as I am, and as are all Senators—in shaping the use of these lands, I am hopeful that this year Republicans and Democrats in the Senate can work together to pass balanced legislation that corrects the abuses by both debtors and creditors in the bankruptcy system.

But this partisan attempt to prematurely cut off debate before we even started to consider this bill does not bode well for that effort.

I hope that once this cloture motion is defeated, the Senate will begin a reasonable and fair debate on bankruptcy reform legislation that reflects a balancing of rights between debtors and creditors.

Those public lands have been a historic and primary responsibility of the Congress itself. However, in the last couple of decades several changes have occurred.

We are in the midst of a slow and methodical attack on our very access as individuals to the public land itself. It started with the resources industries. That was the restrictive nature or the change in public policy that limited access by our resource industries and how they might use the land. Some would say, well, that is merely important for the preservation of the land. But what we have also seen is an ever increasing attitude to keep people—just simple people who want to hike or backpack, to have access to that land—off the land or in some way control their very character on the land.

Some radical groups are fighting to halt all resource management on our public lands, and they are working to restrict, as I have mentioned, the elemental human access to those lands. On the Targhee National Forest in Idaho, the Forest Service tore up the land to keep people off. I was out touring that forest and came upon over 300 huge gouges in roads that had been contracted by the Forest Service to stop access to the land. It was all in the name of an endangered species. But at the same time, if that kind of damage or destruction had occurred at the hands of a mining company or a logging company, the owners of those companies would have been in court. Here it was merely the forest land saying, oh, well, this huge tank trap or gouge in the road to stop traffic was our way of protecting the land. I am not sure who was the protector in that instance.

Additionally, we are seeing the implementation of dramatic changes in the philosophy of the public's access to our Forest Service from openness to an element of closeness. At the time when Gifford Pinchot convinced Teddy Roosevelt to remove forested lands from the public preserve and make them forested preserves, the concept was that these lands were open. While they were protected, to be utilized for forest and to be maintained for water quality and wildlife habitat, always the people could have access.

Slowly but surely, there has been a change in that attitude. That attitude has dramatically shifted to one in which the Forest Service would now suggest to you that our U.S. forests are closed to the public unless designated open. Gifford Pinchot would roll over in his grave as not only one of our Nation's great conservationists but one of the great advocates for forested reserves. The reason he would is that he said: If you do not associate the people to their land, ultimately the land becomes the king's land, much like feudal Europe in which the forests were the King's and the serf could not tread on that land unless given express permission by the King.

When the forest is closed—and that is what is being talked about today, and in many instances the chief of the U.S. Forest Service, Chief Dombeck, who is an advocate of this philosophy, ''closed unless designated open''—then where do you go to gain permission to access your public lands? You go to the Government. In essence, you go to the King. You go to the ruler.

I don't think that is what Americans want. While Americans may differ on how they want their public land managed and for what reason they want it managed, there is one thing I doubt any of us would argue about, and that is that the Federal Government should not have the absolute right to tell our citizens who may or may not tread upon these lands.

All of us should be outraged by a Forest Service attitude that it is their land and they control it and they will give permission, they will be the implementors of policy in a way that will determine who is locked off the land. That, in my opinion, appears to be their agenda.

That very forest in Idaho I told you about, where large tank traps appeared in the public roads, just in their new forest plan they have changed the philosophy of the management to suggest that all roads are closed and, therefore, the forest is closed unless designated open.

Yes, we must manage our public lands responsibly, which includes restrictions on some activities and in some areas with the preservation of the land's environment. For the water quality, for the wildlife habitat, for all of those fundamental reasons, we enjoy our public land base. But we should not sit here so snidely as to suggest that a Federal agency has the right to say you may enter or you may not enter the land. Yet more and more forests and public lands of our country are now receiving those kinds of restrictions.

Some people like to hike in our back country, others like simply the peace and the solitude, while others prefer to ride ATVs in the woods. Some prefer to camp in a more developed facility, while others prefer primitive spots.

The point is, the recreational opportunities on our public lands should be as diverse as America's public interests. On the same note, we can use the natural resources we need in an environmentally responsible manner and still have plenty of opportunities to recreate. In fact, recreation and resource interests can team together to help each other.

In my own State of Idaho in the Clearwater National Forest we have seen a dramatic decline in our elk herds in large part because of a lack of habitat. This is a massive amount of public land. Yet by its management—the suppression of wildfires, the inability of the Forest Service to manage using controlled burns but changing the habitat and the character of the land itself—one of the Nation's largest elk herds collapsed. In the winters of 1996 and 1997, thousands of elk starved to death simply by the mismanagement of our public lands by a Forest Service that would not seek the diversity of landscape that is so critically necessary to maintain those unique elk herds and the vibrancy of the land itself.

Rather than fight each other, elk conservation groups, the Forest Service, and the timber industry are coming together to develop a plan to mechanically thin some of the areas and use prescribed burns and others to treat nearly a million acres to increase elk habitat. Yet on the outside there are some conservation groups that say even thinning a tree is cutting a tree and should not be allowed. How absurd.

Why deny the right of good stewards to manage land in a way that creates diversity and balance so that Idaho can reclaim its heritage of having a large elk herd, and at the same time having more than 4 million acres of wilderness, and at the same time having a vibrant Forest Service products industry, while at the same time having growth within the State as one of its No. 1 economies tourism and recreation. That is a wise and balanced approach toward managing our public lands instead of this single attitude of ''lock 'em out, preserve, and deny'' the ability to manage public resources in a diverse and balanced way. We need all of our public lands to be used in a way that appeals to all of our citizens, not to just a single, relatively narrow-minded group.

Public land management, because of this, is now embroiled in fights, in appeals, in litigation. Every decision made by our public lands managers ends up in court, oftentimes fought out over weeks, months, and years. While all of that has been going on, the Congress of the United States has sat idly by and watched, simply hoping it would play itself out when, in fact, the fight seems to have intensified.

Differing interests have to come together to realize we all have one common goal: To use our land in a responsible manner, in a sustainable manner, in a balanced manner, in the kind of way that will meet most of our interests, and do so to assure a quality environment and an abundant wildlife habitat. I believe all of those things can be done.

Over the last several years, I have held over 50 hearings on the management of the U.S. Forest Service and why it can't make decisions, and when it does, why those decisions are in court. Why has it become largely the most dysfunctional agency of our Federal Government? Yet it has a phenomenally great legacy of appropriate management and responsible caretakership of the land.

As a result of that, I have introduced S. 1320, a comprehensive reform on the public land laws primarily governing the Forest Service but also reflecting on the BLM. However, until we all realize there is room for everyone on our public lands instead of just ''lock 'em up and keep 'em out'' solely in the name of the environment; that we can utilize our resources in a wise and sustainable manner; that we can continue to accept these lands in a way that offer a resource to our Treasury, along with a resource to our mind; then I think we will continue to be in litigation. Successful management of our public lands realizes a balanced approach, a diverse approach, and one that I think our country can take great comfort in the legacy of the past. In all fairness, we ought to be a bit embarrassed about our current situation.

Last Saturday was National Public Lands Day. It shouldn't be viewed as just one that talks about the quality of our parks and recreational areas. It should be reflective of the millions and millions of acres of public lands in my State and other Western States that by their own diversity assure an abundant resource, abundant revenue, and opportunities not only for recreational solitude but economic opportunity in the communities that reside on and near those public lands. I hope a lifetime from now our public lands will be as vibrant as they are today, but will be managed in a much more diverse and multiple-use way than it appears we are heading at this moment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order the Senator from New Mexico is recognized.

TAXES

Mr. DOMENICI. Madam President, for the people of America who are interested in where we are on the tax cuts and the President's message regarding the veto, I thought I might share my version of what has happened.

First of all, the main reason the President has given for vetoing the tax bill is we need to take care of Social Security and Medicare first.

The question is, When will the American people ever get a tax cut? If we don't ask that question, we don't put anything in perspective as to where we are and where we will be.

I will share why I believe the tax cut was right and why I believe what the President is talking about is not right and will probably yield to no tax cut to the American people.

First, I might ask rhetorically, how long has the President been President? I guess he has been President almost 7 years. He will then have an eighth year. Whatever legacy he will leave the American people is close at hand. Why have we not solved Social Security in the 6 years and 9 months he has been President? But now that we have a surplus, when we can give the American people a little piece of it in a tax cut, all of a sudden the President thinks we ought to save Social Security. Why didn't we save it last year or the year before?

Why didn't we save it after the President conducted hearings in three or four cities in America and said he understood it and he thought he knew what we ought to do and he sends a package. However, in terms of reform he does almost nothing and sets up a new fund to put in a piece of everybody's Social Security money, not in individual investment accounts but, in a new trust fund to be run by—whom? Seven or nine people; appointed by whom? The Government of the United States. Who believes the Government is going to manage the funds for Social Security in a way to make money and enhance the value of their pension plans? Who believes that? Hardly anyone.

Second, who believes we ought to have the Federal Government, with appointed people, investing billions and billions, maybe even trillions of dollars in the stock of America and in bonds in America, without being very concerned whether they will distort the market? Instead of being a free market with equities, loans and bonds, it will be a market controlled by what the Federal Government thinks? Just think of that, a year after it exists there will be somebody on the floor of this Senate saying: We should not invest any of that money from Social Security in cigarette companies. Boy, everyone will say, of course, we should do that. Then next year there will be a report that obesity comes from McDonald's and other companies that sell us quick-fix foods. So somebody will say: Why would we want to invest money in McDonald's? They add to obesity in America. Then, who knows what else? We will distort the American market.

Everybody who is thinking understands the President has not submitted anything credible on Social Security. Is it not interesting, there we are showing a $3.4 trillion surplus over the next decade, $2 trillion of which belongs to Social Security, and they will get it—but what about the rest of it? Should we sit around and wait to spend it? Or should we give some of it back in an orderly manner over a decade?

Mr. President, your concerns about Social Security and Medicare do not ring true. They come into existence when you do not want to give the American taxpayers a tax cut. That is why all of a sudden they come up. Now you have even indicated we might be able to get that done in a few weeks. Get what done? Fix Social Security and Medicare, which you have not been able to fix in almost 7 years in office? In a few weeks we can fix it so we can give the American people a tax cut?

Friends, you understand in a Republican budget there is a very large set-aside that is not spent on anything that can be used to repair Medicare. The problem is the President does not have a plan into which anybody wants to buy. He sent us a plan to fix prescription drugs for a part of America that might need them under Medicare, and nobody likes his plan—Democrat or Republican. So why doesn't he sit down and talk seriously about fixing that?

A commission that was bipartisan, that came up with a reasonably good plan—bipartisan, bicameral, citizens and legislators—he caused that to be distorted and thrown away by asking his representatives to vote no when everybody else voted yes. Because we needed a supermajority, it failed by one vote. We had a plan.

If I were a senior, I would say: Madam President, it looks to me as if you do not want my children and my grandchildren to have a tax cut because you are trying to use as an excuse that we have to fix Medicare and Social Security when you do not need that money that is going in the tax cut to fix either of them. Why did it take him so long to fix them, if all of a sudden we must fix them in the next few weeks in order to get a tax cut?

Frankly, there are a lot of other reasons the President has given, but these are the ones that are politically aimed at America. If you read the polls, if you ask the question the wrong way, Americans will say: Fix Medicare and Social Security first. But if you said to them in a poll question: If we have sufficient money left over to give the American people a tax cut and we have enough money for Social Security and Medicare, would you want to give them a tax cut? watch the answer. The answer, instead of what they are quoting around, would be 85 percent. That happens to be the facts.

EDUCATION

Mr. DOMENICI. Madam President, I want to talk a little bit about education because somehow or another we have ourselves involved in competing resolutions about the funding of education when we do not know how much education is going to get funded because the appropriation bill has not been produced yet. If this were a court of law, the Daschle resolution would be dismissed as being premature. There is no issue yet. But we will have to debate it and vote on it. Before we are finished, the Appropriations Committee that handles Labor-Health and Human Services will produce a bill that is more consistent with the budget resolution than anything else.

Regardless of what it looked like 3 or 4 weeks ago, they are going to have sufficient resources. Remember, the President of the United States advance appropriated, in his function and in his budget, $21 billion. We are going to do some of the same things because they are legitimate and proper. When you take that into consideration, frankly, the Daschle resolution is talking about a nonreality.

I can say there is a high probability, and if I had one more afternoon to go talk to a couple of Senators on that committee, I would predict with certainty—but I can say with almost certainty that the subcommittee of the Senate on Labor-Health and Human Services will appropriate more money in education than the President put in his budget. When you combine what they are going to give, it will be more than the President's.

Is it going to have every single item in it? I do not know. In fact, before we vote on the final determination of education funding, the Senate will debate the issue on an appropriations bill which I have just described which will have more funding in it than the President's. We will probably decide in a floor fight on this floor how that education program should be structured. I think the occupant of the chair knows that Republicans have been working very hard at loosening up this money from the strings and rigidities of Washington into something that will go local schools in a looser fashion, from which we can get accountability and flexibility. We give flexibility and we expect accountability. It will not be all the line items the President wants, but it will be more money than the President requested.

So I do not know what we are voting about in these resolutions. They are premature. The only guidance we have is the budget resolution that Republicans voted for and which said that of the domestic programs, there are a number of priorities but the highest one is education. The Senator occupying the chair voted for that resolution. In fact, it said we should appropriate, over the next 5 years, in excess of $28 billion—$26 or $28 billion more than we had been appropriating regularly under the President's approach. Over 10 years, it should be somewhere around $85 billion or $90 billion more. That is the only direction and guidance we have.

That is not binding. But if ever there was something you know you are going to do when you pass a budget resolution, it is this because the American people think it is right. But the American people do not think we are making headway with the existing education programs. They would be thrilled if we gave more money and did it differently. Why should we be doing it the same old way which we have been doing it, which has no accountability and is all targeted whether the schools need it or not? They have to put on the same pair of socks and same shoes in every school district in America. They have to fit into the same shoes in order to get the Federal money, whether they have the problems or not.

Then we have the great program that we call IDEA, where we told them you get started with special education and we will end up paying a substantial portion of it. We did not. We cheated. We made them pay a lot more than they were supposed to after we mandated it. Under Republican leadership, we are putting more and more money into that program for special education because we told them to do it, and we said we would pay a certain percent and we never came close. We keep putting more in than the President. The President complains about some targeted program we do not fund, but we fund IDEA and it loosens up money the States would otherwise have to spend for a program that we mandated, that we never lived up to our commitment on, and that is pretty good and we probably will do that this year, provide more funding than the President asked for.

So I don't know, when this 5:30 vote comes, what we are voting on. I think we ought to put them both off and let's see what the appropriations subcommittee does. But if we do not, I can say I don't know why anybody would vote for the Daschle resolution. It is a statement of unreality. It is a statement of hypotheticals. It is a statement of: Here is how much money they have to spend in that subcommittee, so I am going to do some arithmetic and assume everything is going to get cut 17 percent. That is about where the 17-percent number comes from, but it does not mean anything because nobody suggests that all the money Labor-Health and Human Services gets is going to be divided the way any Senator currently thinks it should be. It is going to be done by a committee that has been doing it for many years.

Those are my two thoughts for the day. I have used about 5 minutes on each, and I talked faster than I normally do because I did not want to stay down here too long. Other Senators want to speak. I repeat: If we cannot give the American taxpayers a cut in their taxes when in the past 6½ years the tax take of America, what we have taken from the taxpayers, is up 58 percent—got it?—the tax receipts of America in the last 6 years 9 months is up 58 percent. The average check increase for American working people is up 11 percent, and the cumulative increase of Government annually over 7 years—6 years 9 months—is 22.

Who was cut short? A 58-percent tax increase, 22-percent growth in Government, 11-percent growth in the paychecks of Americans. They need some of their money back. That is what that issue is about. If not now, when? On education, wait and see. We will do better than the President. It will be hard to convince the President, and he will have something to say about it. We ought to put up a nice big board and add up the numbers when we are finished with appropriations. We will do better than he did.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

ORDER OF PROCEDURE

Mr. JOHNSON. Madam President, I ask unanimous consent to address the body in two parts: one for an initial 1 minute and the second for the remaining 15 minutes.

The PRESIDING OFFICER. Is there objection? Is the Senator requesting he have the time until 3:30?

Mr. JOHNSON. It is my understanding that 3:30 is the scheduled time to commence debate on the education resolutions; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON. So I have until 3:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON. I ask unanimous consent, then, to consume the remainder of the time available until 3:30.

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

A WISE MOVE

Mr. JOHNSON. Madam President, first I will speak in response to what I regard as the commonsense statesmanship demonstrated on the part of the President with his veto of the Republican tax bill. There is an acknowledgment that there is around $1 trillion that could come into the Treasury over the next 10 years, over and above that required for Social Security.

It was wise on the President's part to say, first of all, we ought to be very prudent about whether that trillion dollars will actually materialize or not. It is based on assumptions that may or may not come true. If they do come true, we should prolong the life of Medicare and pay down existing debt.

Everywhere I go in South Dakota people of both political stripes tell me: Pay down the debt, keep interest rates down, make our economy grow, and if you still have dollars left, make key investments in education, in economic development, child care and health care, and then if there are some resources remaining, do give some tax relief.

The President has submitted a request for $250 million targeted to middle-class and working families, the families that need it most. I believe that veto is a wise move. We ought to go on to a negotiated end to this budget dilemma that will be bipartisan in nature and will be much more deliberative, much more thoughtful, and much wiser about how to use $1 trillion that may or may not materialize.

PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT OF 1999

Mr. JOHNSON. Madam President, the second issue I want to talk about this afternoon is the issue of prescription drug costs. I am going to have to edit my remarks due to time constraints more than I really prefer, but I do want to talk about the prescription drug costs we face in this Nation.

American seniors 65 or older make up only 12 percent of our population but consume, understandably, 35 percent of all prescription drugs. Studies have

shown that the average senior citizen takes more than 4 prescription drugs per day and fills an average of 18 per year. Costs have skyrocketed in recent years, increasing an estimated 17 percent last year alone.

What impact has this drug price increase had on senior citizens? It has been catastrophic for all too many. A survey completed in 1993 reported that 13 percent of older Americans say they literally are choosing between buying food or their prescription drugs.

Sadly, I hear the same story everywhere I go in my home State. Thirty-five percent of the Medicare population, equivalent to 13 million people, have no prescription drug benefits of any kind under any kind of insurance plan. Seniors sometimes fail to realize that the Medicare program itself contains no prescription drug benefit.

I recently requested a South Dakota study of prescription drug prices for seniors in our State, a study that I asked the Government Reform and Oversight Committee of the other body to conduct, comparing the prices our seniors pay compared to favored customers such as HMOs, the Federal Government, and large insurance companies.

I ask unanimous consent that the detailed summary of the study be printed in the RECORD.

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

PRESCRIPTION DRUG PRICING IN SOUTH DAKOTA: DRUG COMPANIES PROFIT AT THE EXPENSE OF OLDER AMERICANS

(Minority Staff Report House Committee on Government Reform U.S. House of Representatives, July 31, 1999)

EXECUTIVE SUMMARY

This staff report was prepared at the request of Senator Tim Johnson of South Dakota. In South Dakota, as in many other states around the country, older Americans are increasingly concerned about the high prices that they pay for prescription drugs. Mr. Johnson requested that the minority staff of the Committee on Government Reform investigate this issue. This report is the first report to quantify the extent of prescription drug price discrimination in South Dakota and its impact on seniors.

Numerous studies have concluded that many older Americans pay high prices for prescription drugs and have a difficult time paying for the drugs they need. This study presents disturbing evidence about the cause of these high prices. The findings indicate that older Americans and others who pay for their own drugs are charged far more for their prescriptions drugs than are the drug companies' most favored customers, such as large insurance companies health maintenance organizations, and the federal government. The findings show that senior citizen in South Dakota paying for his or her own prescription drugs must pay, on average, more than twice as much for the drugs as the companies favored customers. The study found that this is an unusually large price differential—more than five times greater than the average price differential for other consumer goods.

It appears that drug companies are engaged in a form of ''discriminatory'' pricing that victimizes those who are least able to afford it. Large corporate, governmental, and institutional customers with market power are able by buy their drugs at discounted prices. Drug companies then raise prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts to the favored customers.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, more than one in eight older Americans has been forced to choose between buying food and buying medicine. Preventing the pharmaceutical industry's discriminatory pricing—and thereby reducing the cost of prescription drugs for seniors and other individuals—will improve the health and financial well-being of millions of older Americans.

A. Methodology

This study investigates the pricing of the five brand name prescription drugs with the highest sales to the elderly. It estimates the differential between the price charged to the drug companies' most favored customers, such as large insurance companies, HMO's, and certain federal government purchasers, and the price charged to seniors. The results are based on a survey of retail prescription drug prices in chain and independently owned drug stores throughout South Dakota. These prices are compared to the prices paid by the drug companies' most favored customers. For comparison purposes, the study also estimates the differential between prices for favored customers and retail prices for other consumer items.

B. Findings

The study finds that:

Older Americans pay inflated prices for commonly used drugs. For the five drugs investigated in this study, the average price differential was 121% (Table 1). This means that senior citizens and other individuals who pay for their own drugs pay more than twice as much for these drugs than do the drug companies' most favored customers. In dollar terms, senior citizens must pay $50.33 to $94.12 more per prescription for these five drugs than favored customers.

TABLE 1.—AVERAGE RETAIL PRICES IN SOUTH DAKOTA FOR THE FIVE BEST-SELLING DRUGS FOR OLDER AMERICANS ARE MORE THAN TWICE AS HIGH AS THE PRICES THAT DRUG COMPANIES CHARGE THEIR MOST FAVORED CUSTOMERS

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for S. Dakota seniors	Differential for S. Dakota senior citizens	
					Percent	Dollar
Zocor	Merck	Cholesterol	$27.00	$100.44	272	$73.44
Prilosec	Astra/Merck	Ulcers	59.10	110.82	88	51.72
Norvasc	Pfizer Inc	High Blood Pressure	59.71	110.04	84	50.33
Zoloft	Pfizer, Inc	Depression	115.70	209.82	81	94.12
Procardiz XL	Pfizer Inc	Heart Problems	68.35	121.88	78	53.53
Average price differential						121%

For other popular drugs, the price differential is even higher. This study also analyzed a number of other popular drugs used by older Americans, and in some cases found even higher price differentials (Table 2). The drug with the highest price differential was Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in South Dakota was 1,469%. An equivalent quantity of this drug would cost the manufacturers' favored customers only $1.75, but would cost the average senior citizen in South Dakota over $27.00. For Micronase, a diabetes treatment manufactured by Upjohn, an equivalent dose would cost the favored customers $10.05, while seniors in South Dakota are charged an average of $47.24. The price differential was 370%.

Price differentials are far higher for drugs than they are for other goods. This study compared drug prices at the retail level to the prices that the pharmaceutical industry gives its most favored customers, such as large insurance companies, government buyers with negotiating power, and HMOs. Because these customers typically buy in bulk, some difference between retail prices and ''favored customer'' prices would be expected.

TABLE 2.—PRICE DIFFERENTIALS FOR SOME DRUGS ARE MORE THAN 1,450%

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for S. Dakota seniors	Price differential for S. Dakota seniors
Synthroid	Knoll Pharmaceuticals	Hormone Treatment	$1.75	$27.46	1,469%
Micronase	Upjohn	Diabetes	10.05	47.24	370%

The study found, however, that the differential was much higher for prescription drugs than it was for other consumer items. The study compared the price differential for prescription drugs to the price differentials on a selection of other consumer items. The average price differential for the five prescription drugs was 121%, while the price differential for other items was only 22%. Compared to manufacturers of other retail items, pharmaceutical manufacturers appear to be engaging in significant price discrimination

against older Americans and other individual consumers.

Pharmaceutical manufacturers, not drug stores, appear to be responsible for the discriminatory prices that older Americans pay for prescription drugs. In order to determine whether drug companies or retail pharmacies were responsible for the high prescription drug prices paid by seniors in South Dakota, the study compared average wholesale prices that pharmacies pay for drugs to the prices at which the drugs are sold to consumers. This comparison revealed that the pharmacies in South Dakota appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The retail prices in South Dakota are actually below the published national Average Wholesale Price, which represents the manufacturers' suggested price to pharmacies. The differential between retail prices and a second indicator of pharmacy costs, the Wholesale Acquisition Cost, which represents the average price pharmacies actually pay for drugs is only 13%. This indicates that it is drug company pricing policies that appear to account for the inflated prices charged to older Americans and other customers.

Mr. JOHNSON. Madam President, the results of the South Dakota study are consistent with studies in other States finding that seniors in South Dakota pay inflated prices for commonly used drugs. In fact, seniors are paying twice the amount per prescription compared to the price the pharmaceutical companies sell their drugs to their favored customers. In fact, we found some individual prescriptions where the price differential was as high as 1,469 percent for the same drug. These price differentials are far higher for prescription drugs than for any other consumer good.

The average price differential for the five top selling prescription drugs for seniors is 121 percent, while the price differential for other items considered daily essentials for the consumer is only 22 percent.

The study also indicates that pharmaceutical manufacturers—not the drugstores, not the pharmacies—appear to be responsible for this huge differential. South Dakota pharmacies have relatively small mark-ups, between the prices at which they buy the drugs and the prices at which they sell them.

The question is, Where do we go from here? There is talk about a Medicare add-on for prescription drugs. I hope we can go down that road. Quite frankly, a bipartisan agreement about how to pay for it and administer it simply has not been reached. In the interim, there are alternatives.

The Prescription Drug Fairness for Seniors Act of 1999, which I have sponsored with Senator KENNEDY, will provide a mandate—without the use of tax dollars, or any new Federal bureaucracy—that the pharmaceutical industry sell prescription drugs at the same price to Medicare beneficiaries as they sell to their favored customers. No more discrimination. If the Prescription Drug Fairness for Seniors Act was enacted, we could reduce the cost of prescription drugs available to seniors by approximately 40 percent. There would be no bureaucracy, no tax dollars, and a huge benefit for seniors all over America. Our pharmacists would use the existing pharmaceutical distribution system and not create any new bureaucracy.

It is estimated that we will reduce drug prices for seniors by approximately 40 percent. There will be no more devastating choices among groceries, rent, and prescription drug costs.

I am pleased our bill is gaining endorsement and currently has the support of 10 of our colleagues, including Senators DASCHLE, DODD, DORGAN, FEINGOLD, HOLLINGS, INOUYE, LEAHY, KERRY, WELLSTONE, and BINGAMAN. Earlier this year, Representatives TOM ALLEN, JIM TURNER, MARION BERRY, and HENRY WAXMAN were joined by 61 of their colleagues when they introduced the House version of this bill, H.R. 664. They have now over 120 cosponsors.

Several organizations endorsed our legislation, some of which include the National Committee to Preserve Social Security and Medicare, TREA Senior Citizens League, Consumer Federation of America, and Families USA Foundation. Many South Dakota groups have also endorsed our bill, including the South Dakota Coalition of Citizens with Disabilities and the North Central Chapter of the Paralyzed Veterans of America. We now have well over 30 organizations actively supporting this legislation.

Currently, there are several prescription drug proposals in Congress. We ought to have hearings on this issue, and we ought to go forward as aggressively as we can.

Madam President, there is no need to wait. We can act on this now. We can give seniors now the benefit of this 40 percent reduction in prescription drug costs that they deserve and need.

What an irony it is that so many of our seniors wind up not taking their prescription drugs in order to save money and then fall ill with an acute illness and wind up in the emergency room, and then Medicare picks up the tab. Wouldn't it be better if we can find a way to make sure seniors can afford the prescription in the first place to avoid that kind of acute illness, that emergency room visit? The taxpayers will gain, the dignity of the seniors will gain, their physical health will gain. All Americans would be better off with the immediate passage in this Congress of the Prescription Drug Fairness for Seniors Act of 1999.

I yield back such time as may remain.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. What is the situation regarding time?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

The Senate will now resume consideration of Senate Resolution 186 and Senate Resolution 187, which the clerk will report.

Mr. BYRD. Madam President, I ask unanimous consent that I may proceed as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

BUDGET CAPS AND EDUCATION FUNDING

Mr. BYRD. Madam President, shortly we will be debating two resolutions regarding education funding. Though there are differences in the approaches taken in the resolutions, the bottom line is similar—namely, this Senate and this Congress need to support education, and we need to find sufficient funding to meet our obligations to America's students. We need to support our struggling schools as they attempt to provide safe, disciplined environments in which our youth can learn both the fundamentals of history, literature, mathematics, and science, as well as the emerging fields of the next century—computers, satellite communications, advanced electronics and other information technologies that are reshaping the American workplace.

On this bottom line, we all agree. The difficult part in this difficult appropriations cycle is, how do we get there? Our funding levels are too low to meet the administration's request, too low to meet the needs that we can all see and agree need to be met, but we are constrained by a budgetary straightjacket imposed in 1997. All year, I have advocated breaking the budgetary caps in order to meet our most pressing needs, but until that happens, the Appropriations Committee must play the cards it has been dealt. This evening, the Appropriations Subcommittee on Labor, Health and Human Services, and Education, will meet to mark up an appropriations bill that contains funding for education, among other things. When all is said and done, Madam President, I am very proud of the work of our Committee on Appropriations this year. I have served with many great Senators and I have served with a number of great chairmen of the Committee on Appropriations. None has handled their responsibilities any better than has our current Appropriations Committee Chairman, Senator STEVENS of Alaska. He has worked closely with me throughout his tenure as chairman of the committee in as nonpartisan a manner as anyone I have ever worked with. We have handled these very difficult matters as best we could to the benefit of all Senators and for the American people. In so doing, despite these crushing spending caps, we have been able to pass in the Senate most of the appropriations bills. The final bill, namely the Labor-HHS appropriations for FY 2000, will be marked up in subcommittee this evening and, in all

likelihood, in the full Appropriations Committee tomorrow.

Madam President, frankly, I see no intellectually honest way to adequately provide for education without breaking the budgetary caps.

I know neither side wants to suggest that the caps be broken. Each side wants the other side to be the first. I have no hesitancy to say how I feel because I am interested in education. I am interested in meeting the needs of the country and meeting the needs of the people. If it cannot be done without breaking the caps, then so be it.

I cannot support these two resolutions, not because I disagree with their intent, but because I cannot voice my support for increasing education funding on the one hand while in the same breath saying that the budget caps cannot be broken. Education is important. If it is important, it is worth breaking the budget caps. And it is. It is worth breaking the budget caps. Budgetary gimmicks that add months to the fiscal year or that take funds from other critical programs like heating assistance for the poor and the elderly will not hold up over time. They are very frail reeds, very weak reeds, to which to cling in the face of hurricane force winds of need.

Madam President, I yield the floor.

EXPRESSING THE SENSE OF THE SENATE REGARDING REAUTHORIZING THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

TO EXPRESS THE SENSE OF THE SENATE REGARDING EDUCATION FUNDING

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Res. 186 and S. Res. 187, which the clerk will report.

The legislative assistant read as follows:

A resolution (S. Res. 186) expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965.

A resolution (S. Res. 187) to express the sense of the Senate regarding education funding.

The PRESIDING OFFICER. There will now be a total of 2 hours debate on the two resolutions under the control of the two leaders.

Mr. BYRD. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against each side.

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

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, as I rode to the office this afternoon, I was listening to news accounts which were reporting that the President was making a series of speeches in which he was criticizing the congressional majority and their plans for education and education improvement in this country.

It seemed to me as I listened to the news accounts—assuming they were accurate—the President was basing his criticism on two counts: No. 1, if you did not believe that his priorities in education were the proper priorities, then you did not really value education in this country and you were failing in your commitment to public schools. His second criterion was the amount of money that was going to be spent on public education at the Federal level.

So really two criteria: You have to spend it where he wants to, and you have to spend the amount he desires, or else you have failed in some kind of litmus test as to a commitment to education.

I reject both of those tests. I think, as you look at the amount of money and the increases in funding for education nationally over the last 25 years, you have to conclude that simply spending more money is not the answer to improving education—that that criterion fails. If that is going to be the criterion, well, then, there may be a lot of people who can say they are committed to education but with very little evidence of success or results.

Because we, as Republicans, disagree with the President's particular priorities, which are funding a new program for 100,000 teachers, whether or not that happens to be the great need in a particular area; and increased funding for the construction of schools, though we know there are many dilapidated schools, many schools that are in need of construction, that may or may not be the priority, the great need in a particular area—because we disagree with his priorities and his effort to further nationalize education in this country, he would deem us then as lacking commitment to education.

I believe, with the reauthorization of the Elementary and Secondary Education Act this year, we have a golden opportunity to dramatically improve Federal education programs that for years have not provided a good return for every dollar.

If we are going to spend taxpayers' money on education—and poll after poll indicates that this is a high priority with the American people; it is high on their list of where they believe emphasis should be placed—then I suggest we must hold the States, we must hold school districts, we must hold even individual schools accountable for the funds they are receiving.

In the past, ESEA has not rewarded success nor has it punished failure. Instead, money is allocated only for specific uses, with no results demanded or expected.

For example, we allocate funding for technology in schools, but in no way do we require schools to show us how this is helping kids to learn. We only require them to use the funding appropriately, but there is no link to the ultimate goal, which is and should be student achievement. In category after category, we find this to be the case. We provide the funds and so long as the States can demonstrate they are spending it appropriately—that is, for the appropriate category—there is no requirement that they demonstrate student achievement.

I believe this system must change. We must allow schools more flexibility in how they use funding to meet their individual needs and show how they are improving student achievement for all students. The bottom line should be, the bottom line must be, in education: Are students learning? Not are we spending more money, not is our funding increasing, not are they meeting a set of regulations that can fill out the forms and demonstrate that they, in fact, have spent technology money on technology, but are students learning, are student achievement scores increasing? That must be the ultimate test.

It is in that area that Federal education programs have abysmally failed. Schools currently receive Federal funding with so many strings attached they cannot effectively use the funding they receive. I believe those strings must be reduced so that the only requirement is the dollars are being spent in the classroom to enable children to learn.

Over the past 34 years, since the Elementary and Secondary Education Act was first passed, it has grown dramatically in size and scope. The Department of Education currently administers 47 K-through-12 programs that are authorized under ESEA. In his fiscal year 2000 budget proposal, the President wanted to create 5 new programs in addition to the 47 currently administered by the Department of Education. I suggest to my colleagues on both sides of the aisle, the last thing this Congress should do is add 5 new programs to ESEA, when all the evidence is that we are failing in the 47 that currently are authorized.

Diane Ravitch, a senior fellow at the Brookings Institution and former Assistant Secretary of Education, who has testified on numerous occasions before congressional committees, puts it this way:

At present, American education is mired in patterns of low productivity, uncertain standards, and a lack of accountability. Federal education programs have tended to reinforce these regularities by adding additional layers of rules, mandates, and bureaucracy. The most important national priority must be to redesign policies and programs so that education funding is used to educate children, not to preserve the system.

The proposal from the President to add five new programs to ESEA simply reinforces the status quo. In fact, it expands the existing system which has failed American students so terribly.

A study by the Ohio State Legislature reported that more than 50 percent of the paperwork required by a

local school in Ohio was the result of Federal education programs and mandates, even though the Federal funding in that Ohio district accounted for only 7 percent of the total education spending—7 percent of the funding, 50 percent of the paperwork. I am afraid that is all too typical of what we find with regard to Federal education spending and Federal education programs.

While spending on education has increased, there has been no corresponding rise in academic achievement. According to Investor's Business Daily, over the past 25 years, inflation-adjusted, per-pupil spending for grades kindergarten through 12 has climbed 88 percent.

Republicans are not opposed to more education spending. In fact, we have proposed that we dramatically increase education spending. But we believe that simply increasing education spending without a corresponding reform of the system is money ill spent. In Arkansas, total education spending since 1970, adjusted for inflation, Federal, State and local, has grown by almost 58 percent. Since 1970, we have seen in Arkansas a dramatic increase in per-student spending, the expenditures on each child, in the public schools in the State of Arkansas. Unfortunately, overall performance of the average 17-year-old student on the NAEP test changed little between the early 1970s and 1990.

Before we decide the answer to improving our education system is to throw in more money and create more programs, may I suggest we examine closely the programs as we reauthorize them and that we change the current system to allow schools to innovatively use their funding to address their problems as they see fit and as they know best.

Now, in the area of IDEA, funding for disabilities, I think that is an area all of us could agree we have done too little. During the reauthorization of IDEA in 1997, the Federal Government was authorized to pay up to 40 percent of the excess cost of educating special education students. However, the President, who lauds his record on education, has consistently funded special education at only about 10 percent of the excess costs. For fiscal year 2000, the President has requested $4.31 billion. That is the same amount appropriated in fiscal year 1999. This is an area Democrats and Republicans have agreed we have not met our Federal commitment and our pledge to the States and local school districts. Yet the President, who wants to create five new programs, has level funded the area of IDEA.

Reduced funding for special education causes the local school districts to pay the cost of educating children with disabilities. Often these costs, as we all know, can be three to four times the amount spent on other students. Therefore, what is happening is that those local schools are taking money from other programs and other services because the Federal law requires them to provide that education for special ed students. As a result, they are short-changing other needed educational programs because the Federal Government has failed to meet its commitment.

Another area I think we have failed is in the area of impact aid. The President's fiscal year 2000 budget requests $736 million for impact aid. That is an increase of $128 million from 1999. But impact aid provides support to school districts affected by Federal activities, children living on Indian lands and children who live on Federal property who have a parent on active duty in the uniform services. This is one area in which I believe it is very clear that the Federal Government has a role in education. Yet the President's budget does not reflect that priority, that clear responsibility that we have on the Federal level.

Education is mainly a State and local responsibility, where funding is generated from local and State taxes. Yet children who live on Federal lands or on military bases are being cheated out of an equal education. In Arkansas, we have the Ouachita National Forest. We have the Ozark National Forest, the St. Francis National Forest, the Buffalo National River. We have, though many don't realize, because Arkansas is not a far western land, hundreds of thousands of acres in the public domain, school districts that are dependent upon impact aid to fund the educational base because they do not have a tax base upon which they can rely. There is no tax base for these areas.

Any decline in impact aid funding requires State and local school districts to find additional funding to give their children a good education. It is an area that Congress clearly has a role in providing funding. Yet the President continually tries to reduce funding and deemphasize this priority and this responsibility of the Federal Government. In his budget proposal for fiscal year 2000, the President seeks to increase administrative spending for the Direct Loan Program by $115 million. That is a 26-percent increase in the Direct Loan Program for administration. Perhaps nothing reflects the misguided priorities of this administration more than their effort to increase administrative spending in a student assistance program by 26 percent.

Adding programs—the wrong priorities in spending—I think reflects the misguided effort of this administration to further nationalize, further remove local control, and, I believe, continue a system that has demonstrated itself to be broken, which has not given us the results students in this country deserve.

They want to promote the Direct Loan Program—there is no doubt about that—and particularly increase the area of administration that is the very area in which we need to be reducing spending. Then in other areas of student assistance, while the maximum Pell grant award would increase from $3,125 to $3,250, total Pell grant funding would be cut by $241 million. They are particularly important in higher education in States such as Arkansas or any State that has a rural population and a relatively low per capita income.

In Arkansas, that is exacerbated because we have a rather low percentage going on to higher education. The reason for that, many times, is because there is not adequate student assistance available. So while we increase the total amount of a Pell grant, we don't increase—in fact, what would be available is cut in the President's budget dramatically. The result is we have fewer Pell grants available, even though the demand is greater than ever before.

Madam President, let me reiterate my point and my concern about the President's priorities in education and his very ill-timed attacks upon the Republican majority in the House and the Senate. Because we disagree on priorities, his judgment is we are not committed to education. Because we disagree in the amount and where that money should be spent, his conclusion is that we are not committed to education.

I believe Republicans have come forward with one of the most creative, innovative educational priorities since taking control of the House and the Senate: The idea of taking 21 Federal education programs under ESEA and telling the States that, on a cafeteria basis, they can choose which ones of those programs they wish to have consolidated with new flexibility to find creative and innovative solutions at the State and local level. That is what we need to be doing.

But there are those entrenched in the status quo who say: Let's reauthorize what we have been doing; let's put more money into a system that has not given us greater educational achievement. They think that demonstrates greater commitment to our children. I think we do have a golden opportunity this year, and I think the line could not be clearer between those who believe the Federal Government is the solution and those of us who believe we need local control with greater local flexibility, while demonstrating a commitment on the Federal level but giving maximum flexibility for local policymakers to decide how the local issues can be best solved.

I look forward to the education debate in the coming hours and weeks as we conclude this session. I hope that as we reauthorize the Elementary and Secondary Education Act, we will do so in a way that truly demonstrates our love, our commitment, and our concern for the public school students of this country. I look forward to working with Senator GORTON, who has been so active in this whole education area, and Senator FRIST, Senator JEFFORDS, and all on the Education Committee, to fashion an Elementary and Secondary Education Act that will take us

in a new direction and result in higher student achievement, better results, better education, as we compete in a world economy.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. I yield myself 10 minutes of the time on this side of the aisle.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, I thank the Senator from Arkansas for his eloquent comments. I am honored to be a part of a partnership with him and with the distinguished Senator from Maine, who now occupies the chair, in proposing a set of reforms on the way in which the Federal Government relates to education in the United States that emphasizes student achievement and a higher quality of education, as against a number of categorical programs where school districts become eligible simply by filling out the right forms and spending the money in the way the Secretary of Education tells them to spend the money, without regard to student achievement and without regard to the priorities set by elected school board members and superintendents and principals and teachers and parents all across the United States.

This afternoon, we are going to vote on two distinctly different approaches to education—a proposal by the minority leader and a proposal by the majority leader. The proposal by the minority leader beats a dead horse. It starts from the proposition that we are to reduce the amount of money we spend on education by some 17 percent, when later on this afternoon—at 6 o'clock—the subcommittee in charge of appropriations for education, in fact, will pass an appropriations bill that not only increases the amount of money we spend on common school education in the United States but increases it by more than the amount requested by the President of the United States in his budget. That is a true commitment to education.

The Democratic proposal ignores the proposition that the President's budget, in fact, lessens the amount of money available for special needs students and education for the disabled; that it reduces very substantially the amount of money for impact aid to those school districts that are greatly impacted by a Federal presence in national parks or forests or military installations; in fact, the proposal before us from the minority leader, ignoring the responsibilities the Federal Government has already undertaken in education, simply talks about new programs, the great advantage of which is that they are titled with names either of the President or of present members of the minority party. It does seem to me that even if we are working within the present system, we would be far better off financing those undertakings which the Congress and the President have already made than by beginning new ones, not particularly requested by the schools themselves, while leaving the financing of past programs to local entities, whether they regard them as the highest priority or not.

But there are, as I think the Senator from Arkansas pointed out, two major differences in the philosophy of education of the two parties exemplified by these two resolutions. First, as I have said, the resolution by the minority leader speaks about a proposal that does not, in fact, exist. It talks about the fact that education spending will be reduced when, in fact, it will be increased by more than the amount the President requests.

Now, the end of that resolution, of course, does say that we should spend more. Interestingly enough, however, it says we should spend more and take it out of other spending programs without breaking the so-called budget caps. That is an interesting proposition but one that would require genuine magic to accomplish. This body has already passed every appropriations bill, except that which includes education. It is on the basis of the passage of those bills that the minority leader comes up with this proposition that we will cut spending for education. I cannot remember a single member of the other party voting and speaking against a single one of these appropriations bills on the grounds that it spent too much money.

As a matter of fact, the great majority of them voted for each one of these bills that brings us into exactly this situation. Yet they state, with alarm, the fact that we would reduce this amount of spending, saying we should not do it; we should spend more money; we should not break the caps; we should take it out of something else—something they have already voted for. Well, we are, in fact, going to increase the amount of money we are spending on education. But we should do it—and this is the second great difference between the two resolutions—in a way that actually improves the quality of education of our young people, measures it in an objective fashion—actual student achievement.

The other side proposes not only more programs that have not dramatically had that impact, but they would like a half a dozen new ones in addition—all categorical aid programs—decided here in Washington D.C., all one-size-fits-all for every school district in the country.

The proposal of the Presiding Officer, myself, and others is a very simple one. We believe the people who spend their lives educating our children, and who have dedicated their lives to educating our children, might just possibly know more about what they need than do Members of this body or bureaucrats in the U.S. Department of Education.

We say, let's take 12, 21, or 24 of these present programs, and let any State which guarantees that it will use that money to improve student grade achievement do so for a period of 5 years and then be tested on one ground: Have students done better? Is the quality of the education they are getting improved by teachers, parents, principals, superintendents, and school board members who decide priorities? A rural district in Maine or an urban district in Washington or a suburban district in Pennsylvania will obviously have different priorities.

That is our goal, and it is a goal that is finding agreement in our educational establishment, wherever the Presiding Officer goes in her State, or wherever I go in my State, or wherever any of us go. Our schools want to be liberated because it is their goal to provide better educational opportunities for the kids. They think they know what the kids and students need. It is as simple as that.

We are fighting a phony battle today because, in fact, we are going to increase the amount of money available for education. But it will do us little good unless student achievement is increased and improved upon. We can only do that by changing the system and trusting those who have devoted their lives to educating our children with coming up with the right answers by which to do so.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, as I understand it, we are expected to have two votes at the hour of 5:30—on Senator DASCHLE's and Senator LOTT's Sense-of-the-Senate proposals. The time has been divided for those who favor and those who are opposed to the different proposals. I strongly support the Sense-of-the-Senate which has been introduced by Senator DASCHLE and which I am a cosponsor.

The essence of Senator LOTT's proposal is: Resolved that it is the sense of the Senate that this Congress has taken strong steps to reform our Nation's education system, and allows States, local schools, and parents more flexibility and authority over their children's education; and the reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its effort to send decision making to States, local schools, and families.

Of course, we are all in support of reauthorization of the Elementary and Secondary Education Act. We don't have any dispute over that. I have listened to a good part of the debate. I have yet to hear those other steps enumerated and identified or commented on. The one piece of legislation that we took was what was called ED-Flex. That is basically a modest expansion of what was done under the Democratic Goals 2000 in 1994. Goals 2000 was President Clinton's initiative. At that particular time, the initial ED-Flex gave the Governors the flexibility. We provided some modest increase in the flexibility, and I supported it. But it

doesn't deal with the kind of problems which we are talking about. That is at the heart of this debate and discussion.

I welcome the fact that since the time Senator DASCHLE introduced his resolution that our Republican leader has made a decision to have a mark-up tonight on these education bills. That is real action. This is the kind of encouragement we would like to have—that we have the introduction of the Daschle resolution, and then under evidently the urging of the majority leader, the Committee on Appropriations is going to meet this evening in order to try to indicate the priority education would have in terms of the national budget. That is as much as you could ever hope for in terms of positive action of a Sense-of-the-Senate resolution—real action. We will wait to see how the Committee on Appropriations in the Senate of the United States is going to act.

What brought about the reasons for the Daschle resolution? Quite frankly, what we heard over the course of the afternoon would respond to those facts. The fact is, since the Republicans have taken over leadership in 1995, in the Senate of the United States, we have found that education as a part of the Federal budget has been the last—not the next to the last but the last—appropriations the Congress has considered. We on this side believe it ought to be the first—not the last but the first.

Now we are caught in a situation with the deadline for adjournment is some time at the end of October and there are only 3 or 4 days remaining in the fiscal year. Finally, we have the Republicans saying: All right. We will finally hold an Appropriations Committee meeting on Monday night when the fiscal year starts later on this week, on Friday. We find that unacceptable.

Members over here can talk in generalities about flexibility. They can talk about the makeup of the Pell program and they can talk about administrative costs over in the Department of Education. We are delighted to get into a more detailed discussion about those particular items. But what those on the other side of the aisle haven't answered is why the funding for the education of the young people in this country has been the last priority under the leadership of the Republicans. That is the issue. That is the question.

With all respect to my friend from Mississippi, and with all respect to the many years he went to public school—I admire that and respect it—it doesn't answer that simple question about why, with all the priorities we have in this country, the leadership has placed this as the last priority.

The history of where the Republicans have been with regard to education as a last priority kind of escapes certain facts. This is extraordinary. My good friend from Mississippi said on September 24: Since Republicans took control of Congress, Federal education funding has increased by 27 percent.

Why? Because of President Clinton and because of the Democratic leadership.

You can say: Well, that is an interesting statement, an interesting comment. Show me.

That is exactly what I intend to do. Right over here is a chart that shows what the funding levels have been under the Republicans since 1995.

In 1994, the Democrats lost the election. The Republicans took over the House and the Senate.

What happened in 1995? In 1995, we had a rescission. What is a rescission? A rescission means the House has appropriated money, the President has signed it, but we want to take some of that money back, rarely used in education, and the Republicans did what? What did they do? We have the suggestion our Republican leader is attempting to convey, that they have been the supporters of expanded use of funding in education.

They had a rescission for $1.7 billion below the bill actually enacted; they asked for a rescission of $1.7 billion.

In 1996, the House bill was $3.9 billion below the 1995 final figure—$3.9 billion below.

In 1997, the Senate bill was $3.1 billion below the President's request.

In 1998, it was $200 million below the President's request.

In 1999, the House bill is more than $2 billion below the President's request.

Those happen to be the facts.

Let me state the time line for passage of these appropriations.

On March 16, 1995, the House rescission bill came to the floor. The Republican leadership could hardly wait to get into office when they sent this bill up to take some of the money back that funded education.

Then we have the omnibus bill in 1996, the last continuing resolution. The funding of that program passed 7 months after the end of the fiscal year.

In 1997, it passed on the last day of the fiscal year.

In 1998, it passed 1 week after the end of the fiscal year.

The agreement for 1999 was passed 3 weeks after the end of the fiscal year.

As we have seen, they have virtually all been the last appropriations. Nothing my friends have stated has disputed that. This is the record of the requests under Republican leadership in the House of Representatives and the Senate of the United States. The reason we find that Federal education funding rose during this period of time is that we had the Government shutdown and our President refused to go along with it. He actually raised it.

For the majority leader now to say, look at what we have done, is a complete distortion and misrepresentation of the facts. They cannot dispute it. Those are the facts.

The reason this was brought into such sharp relief is that last Thursday, the House Appropriations Committee went to work again and finally had their series of recommendations where they have cut back or effectively eliminated the President's program to go for smaller class sizes. They had agreed on it at the end of the last Congress. In 1998, Congressman GOODLING said how wonderful it was they had gone ahead and reduced class size for 1 year.

Former Speaker Gingrich said:

> . . . a victory for the American people. There will be more teachers and that is good for all Americans. I'm in.

The Republican leader in the House said this will mean more teachers and this is good for all Americans.

We say fine, that is why we want to expand it. The Republican leader said it was good for all Americans; President Clinton thinks it is good for all Americans; the various statistics and figures in the various STAR evaluations for smaller classes in the State of Tennessee indicate children are making progress. Everyone seems to agree—except who? The Republicans in the House Appropriations Committee that zeroed that program out.

I don't hear from the other side why we have the inconsistency, why it is we have in 1998 Republicans saying it is a victory for the American parents and we have President Clinton supporting it, we have the statistics that say smaller class size for grades 1, 2, and 3 are particularly important in terms of children's academic achievement and accomplishment, and now we find the Republicans in the House of Representatives zero it out, eliminate all of the funding for that particular program. We ask, why?

That happened last week. Later, I will review the various studies showing how the smaller class sizes have been important in terms of academic enhancement and achievement. It ought to be self-evident. No one makes this case more passionately and with more knowledge than perhaps the only school teacher in this body, and that is Senator MURRAY of the State of Washington. She has taught and been a member of a school board and can state the difference between having 15, 25, and 30 children in a classroom. We have had the eloquent statements and comments made by the Teacher of the Year, talking about the difference in being able to know the names of the children and the needs of those particular children and being able to take time with those particular children. It is self-evident. We have seen that. But not according to the Republican Appropriations Committee.

We say this is wrong.

We saw other examples. In the program for helping and assisting children to read, we have made some progress in the area of reading—not much, but we have made noticeable progress. We have a long way to go. We know the challenges out there. There have been a variety of different approaches developed. The chairman of our committee, Senator JEFFORDS, has long been committed to this program. A number of Members enjoy the opportunity to read at Brent Elementary School, here in

Washington. We know the importance of children learning to read and how important that program is in terms of their ability to read and in terms of their own academic achievement and accomplishment.

Why in the world would we cut that program way back? It is a matter of priorities. I read Members' comments made on Friday saying: We cannot fund everything; some people—knowing they were meaning this Senator from Massachusetts—want to fund all these programs. The fact is, here is a question of priorities. The debate is about priorities. We are saying education is a No. 1 priority; that is where scarce resources ought to be continued. If there are other priorities, there is a problem, and we have to make a judgment.

But hold this institution accountable for making education the No. 1 priority. We are prepared to do that. We are prepared to call the roll on it. If Members have other priorities they think are more important, they can go along with those and make their judgment.

One of the major achievements of the reauthorization of the Higher Education Act last year was trying to increase the total number of teachers. We don't just need 2.2 million teachers in 10 years; 30 to 40 percent are in retirement at the present time. There is also rising enrollments—447,000 more children started school this year. Some might say we have more teachers, maybe the programs that are working need some help and assistance if we are going to try to help those 447,000 students. What we have found out is one of the important cutbacks was in the program to enhance the additional qualified teachers to be teaching in our schools.

These are the realities. These are the numbers. This was, actually with regard to teaching, 40 percent below the President's request. It is the Teacher Quality Enhancement Program.

We know, even with the President's programs, with 100,000 new teachers, we are not going to be able to do the whole job. The record-high enrollment this year of 53.2 million students—447,00 more children than last year, and the continued rise over the next ten years; 324,000 in 2000, by 282,000 in 2001, by 250,000 in 2002, and continuing on an upward trend in the following years. I do not hear any discussion about: Look, there is an expanding number of students in our schools in this country. How are we going to ensure we will have sufficient teachers who will be qualified; not people who will be in the classroom but well-qualified teachers? That is what we are strongly committed to.

I see my friend and colleague from Illinois who, I am sure, wants to address the Senate. These are questions of priorities. As I have said before, allocating the resources is a question of priorities. Money does not solve all of the problems. But one thing we do know, without resources you are not going to be able to invest in the children of this country—you are not going to be able to do it. We believe this is an indication of a nation's priorities. Not all the programs are going to work perfectly. Some may be altered or changed. We will look forward to the debate on the Elementary and Secondary Education Act, which is the principal instrument to help and assist the local schools.

Their answer to the question of priorities is suggesting we should give first priority to helping and assisting families in this country in the partnership—and it is a partnership—between the local communities and the States and the Federal Government. We provide very little, 7 cents out of every dollar. This idea we are making these decisions that will decide all education policy—we understand where the education responsibility is, it is locally. They put up the majority of resources in it. But we provide some targeted resource to try to make a difference in specific areas. That is what we believe in.

We cannot support this concept that the Congress has taken strong steps. Look at the record: Nothing this year for more teachers or smaller classes; nothing to modernize schools, to help with repairs, to wire the schools for computers; nothing to help train teachers; nothing to help with the basic skills such as literacy—virtually nothing. Virtually nothing. All we have seen so far are cuts in education. That is not strong steps to reform our Nation's education system.

I will be glad to yield 10 minutes to the Senator.

Mr. DURBIN. Madam President, I thank the Senator from Massachusetts, not only for his statement but also for his leadership on this issue. I do not think there is another Member of Congress, let alone the Senate, who could rival his commitment to education over the years.

I am happy it has come to this vote because I think between these two resolutions—one offered by the Republican majority leader, Mr. LOTT, and one offered, as well, on the Democratic side, an alternative by the Democratic minority leader, Senator TOM DASCHLE—we see a difference in approach and a difference in attitude when it comes to education.

It is curious, as the Senator from Massachusetts has noted, that we have left the education issue for last. After we have talked about every other appropriations bill, some 12 other bills, we are finally going to get around to talking about education. Our human experience tells us we usually leave to last the thing we do not want to do. But why in the world would this Congress not want to deal with education? What is our reluctance to deal with an issue which, on a Republican, Democratic, and independent basis, is judged to be the No. 1 issue in America today? The No. 1 issue with American families is dead last when it comes to Senate consideration.

We are only a few days away from the beginning of a new fiscal year. I will be very honest and concede that rarely, if ever, does Congress have all of its work done on time so we start October 1 with all the new spending bills. But I can never recall a time in the 17 years I have served on Capitol Hill when Congress has been in such utter chaos as we approach October 1.

If the Republican leadership has some master plan they have been holding back on how we are going to meet our responsibilities and do the right thing for the American people, I hope they will unveil it in the next 4 days because October 1 is Republican Responsibility Day. The leaders in Congress, Republican leaders, are responsible for, at a minimum, telling the American people what their plan is so we do not have another horrendous Government shutdown and we meet the priorities on which the vast majority of American families agree.

I look at these two resolutions on education and I can clearly tell there is a difference of opinion between the two political parties about an issue where there should be so much common ground. First, Senator LOTT's S. Res. 186—I assume it will be the first one voted on, but whether it is or not, it is interesting to note Senator LOTT goes through and recounts some of the things that have been done in funding education and finds many shortcomings with our public education system. Ninety percent of the children in America go to public schools, 10 percent to private schools and home schools, and I concede in many public school districts and systems there are schools and classes and teachers that, frankly, should be better. I think we ought to strive for accountability when it comes to education but also for a commitment to education from this Nation.

I think Senator LOTT, however, overlooks some of the more important progress that has been made in public education. I note that student achievement on a nationwide basis is definitely improving. Average reading scores have increased from 1994 to 1998 in all grades tested—4, 8, and 12. It is interesting to me the Republican Party generally opposes the idea of national testing so schools can be held accountable. They think this is all local and it should be done locally, though the students, when they graduate, are going to compete far beyond their localities, probably their States, and maybe nationally or globally. But when we look at these tests we find things are getting better.

We have seen student access to modern computers increasing significantly, and we know the partnership we have been striving to establish between the Federal Government and local school districts has improved reading scores in many districts. In my home State of Illinois, which I am honored to represent in the Senate, we have done remarkable things in the public school

system. A system written off by Secretary of Education William Bennett a few years ago has now become a model for the Nation. It is because of a partnership—Federal, State, and local partnership. There is nothing inherently wrong with that. In fact, we are proving, in Chicago, that partnerships can make a difference.

So when Senator LOTT, in his resolution, says Congress has to recognize the need for significant reform in light of troubling statistics, I think this is clearly a case where we are either going to light a candle or curse the darkness. In Senator LOTT's situation I am afraid the candle isn't lit.

What we have in the resolution, in the ''resolved'' clause, which is where you get down to business, very little is said. Let me read it to you. This is Senator LOTT's Republican resolution:

> . . . it is the sense of the Senate that—this Congress has taken strong steps to reform our Nation's educational system and allowed States, local schools and parents more flexibility and authority over their children's education. . . .

And he goes on in the second paragraph:

> The reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its efforts to send decision making back to States, local schools, and families.

What a contrast with the resolution that is being supported by Senator KENNEDY and offered by Senator DASCHLE which, for two pages, goes into specific detail as to what this Congress needs to do before we go home if we are going to be able to face families across America and say: Yes, we get the message. Education is critically important.

In the Daschle Democratic resolution, unlike the Republican resolution, he speaks out specifically for us to reduce class sizes so teachers in the early grades can pay more attention to kids who need a helping hand; to increase support for the development and training of professional teachers, and that is something we know we will need as teachers are retiring and as school enrollments continue to work.

More afterschool programs, an issue I feel very strongly about. We can lament violence in our schools; we can lament juvenile crime; but if we do not invest money in afterschool programs, it is easily understood why these problems get worse instead of better.

An increase, and not a decrease, in funding for the Safe and Drug-Free Schools and Communities Act of 1994.

An increase in funding so kids who come from the toughest neighborhoods and families with the most problems have a chance to succeed.

More money for kids who are disabled, so they will have a chance to prove themselves.

More money for Pell grants. Boy, if you are a parent who has sent any of your kids through college, you understand what kids coming out of college face: A diploma in one hand and the equivalent of a mortgage in the other; $20,000, $30,000, $40,000 for a bachelor's degree. If we do not accept the commitment that Senator DASCHLE challenges us to accept, these kids will have more and more debt when they graduate. That is clearly something we do not want to see.

We want to make certain that kids, particularly from working families, come out of the college experience and are able to take a good job and not worry, first and foremost, about paying back their school loans which have greatly increased in size.

The Daschle resolution calls for more money for technology in classrooms; also, that the school facilities be modernized. We have seen too many schools that are ramshackle and falling down.

What a clear difference between the Daschle resolution, which speaks in specific terms about the challenges ahead in education, and the resolution offered by Senator LOTT, who is now on the floor, which points, I guess, with some pride, to passing the Ed-Flex bill, which I supported, but says, I guess, in a way, that Congress has already taken strong steps. I think the steps taken by Congress can be a lot stronger and more specific. As we face Responsibility Day, October 1, just a few days away, the question most American families will ask us is, Have we addressed education?

I will close with this thought. At this moment in our history, with our economy the strongest, many say, that it has ever been, with more people, particularly in high-income categories, realizing more income and a better quality of life, with the general economy having weathered, endured, and experienced the most prosperous decade in our history, at a time when we are talking about a surplus in our Federal Treasury when only a few months ago we talked about deficits, at a time when the majority party, the Republican Party, has said, we have so much money in Washington, we have to give $792 billion away in a tax cut primarily to wealthy people, I have to say: Before we do that, let's get things right when it comes to education. I want to say to the American people: We got the message; we will start the 21st century committed to education to make sure the American century, the 20th century, is followed by the next American century, the 21st century.

We will not achieve that by holding to the standards suggested in S. Res. 186. It is weak soup. Instead, we should be dealing with Senator DASCHLE's resolution which calls on this Congress in specific terms to meet its obligation not only to the families across America and the voters who sent us here but the future generations who count on us to be prepared to put education as our highest priority.

Mr. KENNEDY. Will the Senator yield for a moment?

Mr. DURBIN. I will be happy to yield.

Mr. KENNEDY. As the Senator was going over 1995 through 1999, does the Senator remember when it was the standard Republican position to abolish the Department of Education? I think you and I want every time that President meets with his Cabinet officials one person who is going to think nothing but education, and every time that President talks about national priorities, to speak for the education of the children of this country. That I know has been the position of the Senator from Illinois.

Does the Senator understand why, on the one hand, they were going in that direction and then, within about a year after that, we had Secretary Lamar Alexander's answer in terms of the elementary and secondary school reform: That we have a model school in each congressional district and in each of the States, and they to be decided, by whom? By the local community? No; by the Secretary of Education.

Now we have another approach. We have the block-grant approach. Can the Senator explain to me, within a period of about 5 years how we can go from, on the one hand, abolishing the Department of Education to, on the other hand, having the Secretary of the Department of Education saying we ought to have model schools in each of the congressional districts, to now block granting everything and sending it back to the States?

Mr. DURBIN. It is a curious thing, I respond to the Senator from Massachusetts, that the Republican Party—and I believe it might have been in the party platform; it certainly has been a position taken by many of their prominent Presidential candidates that we should abolish the U.S. Department of Education and, in abolishing that Department of Education, give back responsibility for education to the local school districts and families.

The local school districts and the families should have the premier voice when it comes to educational decisions. But we should not overlook the fact, as the Senator from Massachusetts notes, that there are responsibilities we in Washington should accept. And one of those responsibilities is to gauge the demands of the global economy and to make certain that, as a nation, we are moving forward with the kind of educational system in general that will prepare kids for the future.

I have yet to run into a school district in my home State of Illinois that does not want to have Federal assistance in meeting that responsibility. I concur with the Senator from Massachusetts that the Daschle resolution really deals with that in specific terms. The Lott resolution, unfortunately, does not.

I yield the floor.

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

The majority leader.

Mr. LOTT. Madam President, I did speak at length on Friday afternoon on this issue of education. I will not repeat everything I said then. I do have a unanimous consent request I want to

make momentarily. First, I will make some opening remarks.

I am the son of a schoolteacher. I went to public schools all my life. So did my wife. So did my children. I care a great deal about quality education, public education, private and parochial education. I will take no backdoor approach to education. We have to have quality education in America. It also has to be safe and drug free.

There is a fundamental difference about how we do that. The Democrats think the answer is here in Washington, that nameless and faceless bureaucrats in Washington, DC, know better what should be done in education in Bangor, ME, or Pascagoula, MS. I reject that. I have faith in the students, the teachers, the parents, the administrators, the local officials, and the State officials to do what is right for education.

I may or may not have been right on some educational issues over the years. I voted for a separate Department of Education. I voted for it. I do not want too much revisionist history to be made this afternoon. When I was in the House of Representatives, I did that, and I took a pounding for it. My constituents did not agree with me. They did not think we needed a separate Department of Education. I argued at the time that it was being overrun and overwhelmed by the Department it was in, HEW—Health, Education, and Welfare. It was blocked by the other two issues and did not get the attention it should have. I did that.

I must say, I do not see where a separate Department of Education has done a whole lot of good for education in America. The education scores have continued to go down, although recently some of the test scores may have gone up.

When my children finished high school, I felt they did not have as good an education as I did when I finished high school in Pascagoula, MS. By the way, they went to two of the best high schools in America: Thomas Jefferson High School in Northern Virginia and Annandale High School in Northern Virginia. Yet when they got to the University of Mississippi, even though they had been to the public schools of Fairfax County, they did not have as good a background and preparation for college as some of the students in Biloxi, MS.

What is going on here? I have been through this education thing for a long time. I feel strongly about it. We must have a better education system in America. What we have is not working. What the Democrats are advocating is the same old thing in the same old box. It will not work. We have to come up with different ideas, new ideas.

I repeat one example I went through last Friday. Why is it that elementary and secondary education in America is way down the list of elementary and secondary education programs of the world? I have seen some statistics where we are 17th, and yet higher education is rated the best in the world. How can that be, that elementary and secondary education is not what it should be and higher education is excellent?

I have a couple suggestions for you. One, when you finish high school in America, you have a choice of where you go. You can go to work, if you have been in a vocational education program in high school; you can go to a community college or junior college, a technology training program or job training program; you can go to a college, a university, a State university; you can go to a parochial university; or you can go, Heaven forbid, to Harvard if that is what you choose. Every student in America, everyone who finishes high school, can get a college education—with scholarships and loans.

I was a beneficiary of what was then known as the NDEA loan. When my own family fell apart, I was trying to get a law degree. I held down two jobs and got an NDEA loan, thank the Lord. It helped me get an education. I am for loans. You also have grants and supplemental grants. With the combination of jobs and the Work-Study Program—jobs, grants, loans, scholarships—you can go to school.

Every student may not be able to go to Harvard. Some may have to go to local community college where, by the way, you can get a great education. The community college system in America is fantastic. You have a choice, but not if you are in high school. If you live in a middle school district in a neighborhood, you have to go to the middle school in that neighborhood. If it is no good it does not make any difference. It does not make any difference if it is drug infested. It does not make any difference if it is violence prone. You have to go there, even though there might be a good quality public school right down the street.

Right here in the District of Columbia, you have some good high schools. Yet, if the parents want their children to go or the students themselves want to go to a good high school, they are told: No, you can't do that. That does not seem fair. Some of the teachers union people say: Well, the bad schools might not make it. Right. If the school is not doing its job, then get out of the way. Choice is one of reasons we have much better higher education in America.

The other one is financial aid, because if you want to go to college, you get a loan. But you do not get a loan if you want to help your sixth-grade student get a computer or if you want to help them with some of their other needs. You cannot have a Coverdell A+ savings account for elementary and secondary education. Oh, no. No, we can't have that. They might choose to save their money and put their students in some other school.

So I think we need to think about those differences in how we can improve education overall.

Also, I want to make this point. There is talk about, oh, how Republicans are going to starve education. That is total baloney. In fact, in the Labor-HHS-Education appropriations bill that will be on the floor this week, the Republicans have a half a billion dollars more for education than the President's budget—surprise, surprise. How could that be? As a matter of fact, in recent years—I will give the statistics here in a moment—Republicans have provided for a 27-percent increase for education.

We are not stingy on education. We want education to have the money it needs. We don't want it to be able to waste money on programs, but we want to do it differently. We don't want it to be eaten up here in Washington, DC, where the bureaucracy takes a bite out of it, and a little dribbles down to Atlanta, and a little dribbles down to Jackson, and eventually it gets down to where the student is. No.

We say we have faith in the local and State governments and the teachers, the administrators at the local level. We would like it to go down to where the rubber meets the road. Let them make the choices. If they want to put that money into computers, great. If they want to put it into elementary education, or if they want to put it into remedial reading or remedial math, or if they want to fix a roof, great.

Of course, the answer again for the Democrats is, we should get into the school building business; the Federal Government should start being in charge of repairing local school building roofs, by the way, at a time when every State in the Nation—every one—has a surplus.

Every State has a surplus, and some people say: Well, it might be a few dollars—$34 billion. So how about local and State governments being in charge of building schools? If we start down that road, if we start being in charge of the roofs and building the buildings at the Federal level, we will have to build every one in America. I think once again it will bring more control to Washington, and we should be directing it the other way.

I would like to ask consent to add a modification to our resolution we have pending. I do now ask unanimous consent that the pending resolution be modified with changes I send to the desk.

Before the Chair rules, let me say to the Senate, these are modifications regarding the vetoed tax bill and all the education benefits that bill would have extended to the American people if it had been signed into law by the President.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Madam President, we just received these changes. There was an initial presentation, a Lott resolution. Then that was changed on Friday, which was fine. Now this is an additional one. At this time, I would have

to reserve the right to object just so we would have an opportunity to read it and familiarize ourselves with it. So I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Madam President, I thank the Senator for putting it in a reservation in that way. He would like to have a chance to read it over.

This is a sense-of-the-Senate resolution. The Democrats are stating their sense of the Senate on education issues. We have our resolution, and we would like to do the same thing. So I hope they will review the language we have in this modification and agree that it could be added to our resolution. But in the meantime, let me state what is in this resolution.

So here is the untold story. This modification, that may be objected to, would simply spell out what was in the tax cut bill the Republicans passed—the Congress passed and sent to the President, and he vetoed it. What has not been told is that there were a lot of education benefits in that bill.

In fact, it was interesting to me that 1 day after the President vetoed that bill, providing considerable new incentives for education, the Democrats complained about this Congress' performance on education. But they raised not a single voice to protest the unwise veto when you take into consideration the tremendously enhanced education for millions of Americans that was included in that bill.

The President's veto denies 14 million American families from participating in the education savings accounts—that is what I was referring to a while ago—to allow parents to save for their children's education needs at the elementary and secondary level, which they cannot do now. These accounts would have generated $12 billion for parents to provide tutors, pay for books, buy computers, send children to afterschool instruction, and pay for tuition at private schools if their public school failed to make the grade. Twenty million Americans children would have benefited, but the President said no to that.

The President's veto denies 1 million students savings to make college more affordable. Our bill would have provided 1 million students in-State prepaid tuition plans. And my State of Mississippi is one of those; I think the State of Maine may be one of those, and a number of other States. They are being denied this prepaid tuition plan which would provide significant tax relief to make college more affordable.

Why shouldn't parents be able to save in advance for their own children's college tuition? The financial crunch for college would be eased for 1 million students, but the President said no.

The President's veto denies 1 million workers receiving education assistance through their employers. This is something that I believe the Senator from New York, Mr. MOYNIHAN, has advocated for years. In today's competitive economy, education is the key to maintaining skilled workers. One million American workers would have had access to better education or more education, but the President said no.

The President has made college more expensive for millions of Americans. The Taxpayer Relief and Refund Act would have allowed recent college graduates to deduct the interest on their student loans. I would have liked to have had that when I graduated. For my own NDEA loan, the interest rate was not that high then, but it would have helped in paying that loan back. This provision is particularly critical for young people trying to hold down their first job and paying off their college debt at the same time. College would have been more affordable for millions of American students, but once again the President said no.

The American people would have benefited also by the help given in this bill to schoolteachers. Our bill allowed every elementary and secondary school teacher in America to receive tax relief for their professional development expenses.

My mother taught the first grade through the sixth grade but generally first grade. This is something that would have been helpful to her when she was teaching those 19 years. This bill would have made professional development less expensive, but the President said no; that, once again, the teachers should not have this benefit.

So I wanted to point out several educational features that are in this bill. All I am trying to add to our resolution is this information so people will be aware of it.

With regard to our commitment to education, in the bill that will be coming to the floor—and in bills that have come to the floor in recent years—we have raised the Pell grant funding for our Nation's poorest students to historically high levels. We have increased funding for our Nation's disadvantaged schoolchildren, thanks to the leadership of Senator GREGG of New Hampshire and others. And we have raised the funding by $2 billion over the last 3 years for IDEA, the Individuals with Disabilities Education Act. Our commitment to our Nation's disabled children certainly outstrips the President, who recommended funding levels this year that do not even keep pace with inflation. Funding for education has increased by 27 percent since 1994. We will continue moving forward. We will continue to provide adequate funding for education. We will continue to work for innovative ways to improve education, and we will have a bill on the floor this very week that puts money where our mouths are. We are not interested just in saying what the President didn't do or what the Democrats didn't do. We are interested in getting the job done. That may mean doing some things differently from the way they have been done in the past.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. How much time remains on this side?

The PRESIDING OFFICER. Seventeen minutes 37 seconds.

Mr. GREGG. Madam President, I yield myself such time as I may consume.

I think, going forward with this debate, there ought to be some facts pointed out for clarification because the resolution of the Democratic leader and the representations of the Senator from Massachusetts and the Senator from Illinois are not consistent with the facts, as they are presently in existence and on the ground.

Specifically, the Republican budget included a dramatic increase for education, and the mark for education under the Labor-HHS bill, which is being marked up this evening, represents a $2.2 billion increase over last year; no reduction, a $2.2 billion increase.

Let me go through a few of these programs that have been represented by the other side as being reduced. That is misinformation. It is inaccurate, and it is really inappropriate, that the Democratic leader would bring to the floor of the Senate a resolution which is so totally and grossly inaccurate.

In the area of Pell grants, the committee will be marking up a bill which has a $74 million increase over last year's funding; that represents a number of $7.7 billion. In the area of IDEA, the committee will be marking up a bill which has a $701 million increase over last year's funding; that represents a number of $5.8 billion. In the area of IDEA part B, the committee will be marking up a bill which has a committee increase over last year's funding of $678 million, a total budget of $4.8 billion. In the area of the TRIO Program, the committee will be marking up a budget which has a $30 million increase over last year's spending, $630 million.

In the area of title I, the committee will be marking up a budget which has a $324 million increase over last year's budget, a number of $8.7 billion for title I. In the area of the safe and drug-free schools, the committee will be marking up a budget which has an increase of $45 million over last year, a total number $611 million. In the area of Head Start, the committee will be marking up a budget which has a $608 million increase over last year, total budget of $5.2 billion.

In the area of afterschool programs, the committee will be marking up a budget which has a $200 million increase over last year. When you add these increases up, we are significantly above the administration request.

For example, in the Pell grant area, we are $315 million over the administration request. In the IDEA area, we are $375 million over the administration's request. In the IDEA part B area,

we are $675 million over the administration's request. In the title I area, we are $16 million over the administration's request. In the safe and drug-free schools area, we are $20 million over the administration's request.

The simple fact is, the representations put forward in this resolution by the Democratic leader are absolutely inaccurate. It is inappropriate that this has not been amended to reflect the markup vehicle which is going forward in the Senate. Maybe the Democratic leader thinks he represents the House of Representatives, not the Senate. In the Senate, these are the numbers we are working from, dramatic increases in funding and a commitment to programs we think are working.

Yes, there are significant differences on priorities. As both the Senator from Illinois and the Senator from Massachusetts have said, their priorities are different than our priorities. That is true. There is a different philosophy of government, a different philosophy of approach to education.

We happen to believe parents should be empowered. We happen to believe teachers should be empowered. We happen to believe principals should be empowered. We happen to believe local school boards should be empowered to make decisions as to how they operate their schools and where they will put their scarce and valuable resources.

The other side of the aisle happens to think they have the best ideas in the world, that all the good ideas come from the national labor unions and from the Department of Education and from the administration; that, therefore, there should be developed a set of categorical grants which will tell the parents, the teacher, and the principal exactly how they will run their local school because Washington absolutely knows better how to do it than the local parents, the teacher, or the school.

Well, there is the difference. No question about it. The other side wants to set up a categorical program in the area of buildings, in the area of after-school programs, in the area of teacher ratio. What we want to do is say to the local school district, to the parents, to the teacher, and to the principal: Here are the dollars. We tell you you must set a standard of education which is an excellence standard, a standard which requires that the children in your school meet the basic elements of education—math, reading, and writing. You have to have those standards. But within the context of meeting those standards, which standards shall be set at the State, not by us in Washington—we don't believe in national tests because we don't happen to think people here in Washington should write the tests; we think people in the States should write the tests—once those standards are set at the local school district by the States, then we say to the States, local school districts, parents, and teachers: You make the decision on where the dollars should be. Should they be in a new classroom or with an additional teacher, or maybe there are some schools out there that happen to want another computer, that happen to want to have another French teacher, that want to have another math teacher, or maybe they want to send their kids to some special program. Maybe they have some new concept of education they think is going to work better.

Leave it to the local school district to make that decision. Leave it to the parent to make that decision. Leave it to the principal and the teacher to make that decision. Let us not make those decisions in Washington.

Yes, there are priority differences. Our priority is to empower the parent, the teacher, and the principal. Their priority is to empower the national labor unions, the Department of Education, and the great thinkers in Washington who have the answers to everything on every subject and especially on the issue of education.

We have, in the proposals we will be putting forward, specific programs which do empower parents, which give parents a chance to do something when their kids are in schools that fail. It is an outrage that in this Nation we have 5,000 high schools and elementary schools combined that are failing schools, by the standards set by the people who run those schools. If you have your kids in those schools, what is your option? You don't have an option. Your kid is stuck in that school.

Parents ought to have an option. If their children are in a school that has failed year after year after year after year to teach those children how to write, how to read, how to think, parents shouldn't have to be subjected to sending their kids to those schools. They should have the opportunity to say to that school: OK, we are going to give you 2 years to clean up your act—which is exactly what our proposal does—on your standards. We are not setting the standards. We will not set a bar so high that nobody can reach it. You get to set the standards—you, the State; you, the community.

If that school doesn't meet those standards—and I suspect those standards are going to be reasonably stringent; at least they are in New Hampshire—so that an elementary school, once again, for 2 years in a row fails, then we basically put that school on probation. We say to the State: You have to go into that school and you have to straighten it out. You have 2 years to do that. You have 2 years to get those kids an education, which is what the goal is, obviously.

If after 2 more years that school still doesn't cut it, then we say to the parents of the kids who are going to be subjected to this horrendous school: It is up to you. You make the decision as to whether you want your son or daughter to go to that school. If you decide you want your son or daughter to go to another public school or to another program that involves after-school activities and you are a low-income person, we are going to let the funds go with your child. We are going to let the funds follow your child rather than have that school absorb all these funds that will do nothing for you in the way of educating your children. That is a difference of opinion. They want to run the failed schools, keep sending money to the failed schools, and they want to build more failing schools.

We say if a school is failing, let's get it under control and make it work; if it doesn't work, let's give the parents some options. We also say: Listen, we have all these categorical programs that almost tell teachers how many pencils they can have in their classrooms. Let's stop that and take a bunch of these categorical programs and put them into a basket of money, and after setting the standards—again, the standards are set by the State, not by us—after setting the standards, say to the local school districts: You can use this basket of money to try to help your kids make the standards. It is called ''straight A's.'' Every school district in this country is for it. The only people against it are the big labor unions in Washington and the Department of Education because they don't want to give up the categorical programs. Why? Because there is political power in those programs. This isn't about education; this is about power, about controlling dollars for the sake of power.

We are talking about getting money out to the parents; they are talking about empowering a bunch of people in Washington who happen to be affluent in their field or effectively are elitists, in my opinion. So, yes, there are differences of philosophy. But on the facts, this resolution carries no weight because it is totally inaccurate on the facts. It should be amended because every one of these cuts it lists is not a cut at all.

While we are on the subject of cuts, who does make the most significant cut at the Federal level? Is it the Republicans? No, it is not. It is the President's budget, sent up here without any increase in spending for the IDEA program, the special ed program. Let's talk about that a little bit because there is a difference in priorities. Special ed is a very important part of education, a good idea put together back in 1976 under 74–142 or 76–142—I am not sure which; there are so many numbers floating around. But it said, if you have a special needs child, that child has the right to a good education in the educational system, and the Federal Government knows it is going to cost a lot to educate that child, so the Government will pay for 40 percent of the cost of that child's education.

What happened? While the Democrats controlled this Congress, year in and year out, that 40-percent number went right down like a roller coaster going down a big hill. The Federal Government's share of education was down to

6 percent when the Republicans took control of the Senate and the House. We recognized that was wrong. What happens when we don't pay the special needs cost is the dollars flow from the local community, who takes over the Federal responsibility, and then the local community no longer has flexibility over the local dollars because they are paying for what the Federal Government was supposed to do in the first place.

(Mrs. HUTCHISON assumed the chair.)

Ms. COLLINS. Will the Senator yield on that point?

Mr. GREGG. I will certainly yield to the Senator from Maine.

Ms. COLLINS. So what the Senator is saying is it has been the Republican Congress that has attempted to live up to the promise made in funding special education; it has been the Republican Congress, and, today, the Appropriations Committee is going to meet to add educational dollars to the President's budget. In fact, we will be increasing spending for essential programs such as special ed, Pell grants, the TRIO programs, above what the President has requested; am I correct in that understanding?

Mr. GREGG. The Senator is absolutely correct. Regarding IDEA, the President, all during his term in office, has never sent up a budget of any significance. However, the Republican Senate and Congress have increased IDEA funding by over 85 percent and, after this year, there will be up to about a 110-percent increase in it over the baseline with which we started.

Ms. COLLINS. If I may, I will ask the Senator from New Hampshire, who has been such a leader on education issues, one further question. So this is not a debate about money because it has been the Republicans who have continually increased educational funding. What this is a debate about is who is going to make the decisions. This is a debate about philosophy. Does the Senator agree with that?

Mr. GREGG. That is exactly right. It is about philosophy and it is about power.

Ms. COLLINS. I thank the Senator.

Mr. GREGG. The Senator from Maine has been a leader on education issues, also, especially IDEA.

To complete my thought on that issue, the President sent up a budget which had no increase in IDEA. He took the money from the special ed kids and he started these new categorical programs—buildings, afterschool, teachers. That money should have gone to special ed to fulfill the obligation of the 40 percent we said we were going to pay in the first place. But, no, he took the money from the IDEA program and put it into the categorical programs, which had the double, insidious effect of making the local governments have to now support the Federal programs, so they lose their local schools. They could have built schools if they wanted to build schools or added teachers or done whatever they wanted to. Now they don't have the dollars because they are supporting IDEA.

On top of that, he says to the local school districts: I have taken your dollars for special ed, which we were supposed to pay you to begin with, and I put them in categorical programs; to get the dollars, you have to do what I tell you to do—build a school, or add a teacher, or you have to do an after-school program. The local school district may not want to do that; they may want to do something else, such as a new French program, or a new computer system. They may want to add to the football team, or put in an arts department. But they can't do it because the money they were going to have to do that with is being spent to do the Federal end of the special ed funds. Now the money that is supposed to come in for that is coming into a categorical grant.

It is all about power and who is going to run the education system. Is it going to be run in Washington by labor union leaders and bureaucrats, or is it going to be run by the teachers, parents, and the principals? That is what this debate is about; it is not about money.

I yield the floor.

Mr. KENNEDY. Madam President, how much time do we have?

The PRESIDING OFFICER. There are 23 minutes remaining.

Mr. KENNEDY. I yield myself 8 minutes.

Madam President, a couple of quick facts. If the good Senator from New Hampshire went back to March 25 of this last year—the time we were considering the $790 billion tax cut—we offered an amendment that would have taken one-fifth that amount of money and completely funded IDEA. The Republicans unanimously rejected it. They unanimously rejected it. They thought we ought to have tax breaks rather than funding IDEA. So, before we get all worked up about this position that was just talked about, we ought to understand that.

Madam President, with all respect to my friend, the majority leader, I don't find traveling around Massachusetts that the school systems are saying: We have sufficient resources and we don't need any help or assistance. The role of the Federal Government, historically, is to provide a very limited amount of resources in targeted areas, where there are some special needs, and that is why we have these targeted resources.

If our good friends on the other side want to have a good deal more funding, generally, in terms of education, they can request their Governors to go ahead and do so. Our role is to find targeted resources.

Now, what are these targeted areas we have talked about? Let's get specific. One of the key areas are smaller class sizes. As I mentioned, the Senator from Washington, Mrs. MURRAY, is our leader on that issue. The project STAR studied 7,000 students in 80 Tennessee schools. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade. Follow-up research shows that gains lasted through at least the eighth grade. STAR students were less likely to drop out of high school. Research also shows that STAR schools and smaller classes in grades up from K through 3 were between 6 and 13 months ahead of regular classes in math, reading, and science, all the way through the fourth, sixth, and eighth. That is one of the programs that we support. That is a priority item. The Republicans zeroed that out.

I was interested in the Republican leader saying we are going to have a big bill on the floor of the Senate next week. We are saying: Where has it been? We are glad it is going to be here, but where has it been? That is our point.

We have the situation of after-school programs. We know the dangers of young students getting in trouble with violence after school. Juveniles are most likely to commit violent crimes after school, as this chart shows, it is between 3 and 6 p.m.

We had a modest program by the President with $200 million. There were 1,700 applications for that program. Only 184 programs can be funded at the current level of $200 million. There were 1,800 unfunded after-school programs. We are trying to fund those. The Republicans say no.

Take a look at what these dollars have meant in terms of math scores improving. This is in the neediest areas of this country. From 1992 to 1996, in every one of these areas, and particularly in the areas where the students are the poorest, almost double the performance for children in the area of math and science. In each of the various quarters, we have seen a significant increase in the last 4 years.

That is our priority: Smaller class size, after-school programs, and trying to improve student achievement in the areas of math and science.

I'll mention one more area, wiring the schools for the 21st century. We have seen the gradual increase in the schools that are wired. But still, for the instructional rooms where children learn, they do not have those kinds of resources. We believe we should provide some help and assistance. Local school districts want that help and assistance. We are being denied that under the Republican priorities.

Finally, with all respect to our majority leader, the history and the record shows that it has been this President and the Democratic leadership who have seen the increase in the funding over the period of the last 6 years. That is just a matter of record, with all respect.

The final point the Republican leader says: Why didn't they support our tax reductions? The Office of Management and Budget has stated that there would have been a 40-percent reduction in

support of education in order to pay for that tax break.

I ask the majority leader, if you have $780 billion that you want to give away in tax breaks, why aren't you providing additional funding on programs that have been tried, tested, and have enhanced the educational achievement of the children of this country?

Madam President, I yield 10 minutes to the distinguished Democratic leader.

Mr. DASCHLE. Madam President, I will use leader time so as not to take what limited time may be left.

I want to speak for a moment and commend the distinguished Senator from Massachusetts for his remarks and for the incredible message I think that chart alone points out.

We heard our Republican colleagues say over and over that they are the ones who have supported education; they are the ones who can take credit for the fact that we have actually improved funding over the course of the last several years. As Senator KENNEDY has pointed out so ably, it is only because we have forced our Republican colleagues to increase this investment that we see any real improvement whatsoever.

That is the reason I am hoping our colleagues will be very wary of the resolution posed by our Republican colleagues this afternoon.

Obviously, if you look at some of the stated priorities, there is very little for which there can be disagreement. We should have well-trained, high-quality teachers. Parents need to be involved in education of their children. There have to be safe schools, and we need to have orderly places for children to learn.

But the problem is the rhetoric and the record are totally opposite. Rhetoric is what we just heard. The record is deep cuts in education every single year. The Republican agenda will not achieve the rhetoric that the resolution the Republicans are proposing today calls for.

Look again at what the House Labor-HHS-Education subcommittee did last week. How does killing class size reduction match the rhetoric in the resolution? How does it match the rhetoric in the resolution to provide only half of the money the President has requested for afterschool programs? How can you ensure that we have orderly places for children to learn when you cut funds from the Safe and Drug Free School program? How do we help make sure children are ready to school when you provide $500 million less for the Head Start Program than the President has requested? How can you do the things the Republicans propose in their resolution and then eliminate the Class Size Reduction Program, making it even more difficult to make sure that every classroom has a qualified teacher. Giving families a $5 annual tax break isn't going to make schools safer or provide afterschool programs. Vouchers do nothing for these kids left behind in low-performing schools.

I urge our colleagues to look very carefully at this resolution, and look at the statement at the end of the resolution which says this Congress is now in a position to be congratulated for its strong education performance.

How do you congratulate a Congress that cuts as deeply as the House did last week? How do you congratulate a Congress that has nothing to show for the record in education except for an Ed-Flex bill we passed last spring that is of very little value in reaching the goals and the stated objectives in the Republican resolution?

That is why we have offered our resolution. Our resolution addresses the priorities stated by our Republican colleagues. We put our money where our mouth is. We do what we need to do—fund the priorities within this budget to ensure that we are able to achieve those goals, not just talk about them.

We provide $1.4 billion to reduce class size. We triple the funding for after-school programs. We increase college access and affordability. We expand opportunities to incorporate education technology. We advance school literacy and readiness.

Those are the kinds of things you need to do if you are serious about these stated goals which are found in both resolutions.

You have to look at what happens once the resolution passes. From where does the money come, and how big a commitment is there on the part of colleagues on either side of the aisle to achieve what we say we want to achieve? Only one resolution pending does that.

I hope everyone will understand that before they cast their vote.

Let me also make a couple of comments. The Senator from Massachusetts did such a good job that very little else needs to be said with regard to some of the remarks made by our Republican colleagues. But the majority leader on Friday made a couple of statements to which I think there must be a response. He pointed out that spending on education has risen every year since the Republicans took the majority.

It has risen, all right. But it has risen over the objections of many of our colleagues on the other side. It has risen only because this caucus and the administration have pressed the Republican leadership and the Republican Members of the Senate to do what we have advocated again this year—to provide the kind of commitment and resources necessary.

One of the Republicans' first action was to rescind $1.7 billion in education funding. One of their most famous actions over the years has been to propose abolishing the Department of Education altogether. Of course, they shut the Government down in an effort to enact the Draconian cuts in education and all other programs. It was only because Democrats refused to make education such a low priority that these investments are made.

So how ironic now that we have prevailed, they attempt to take credit. I think most people understand that. Democrats have supported real options to involve parents in our education system as well.

Our majority leader asserted last week the Democrats oppose giving parents options. Nothing could be further from the truth. I cannot imagine anybody could actually say that and be serious. We have supported providing choices through open enrollment in public charter schools. More importantly, we believe communities and parents should have the tools—including the resources—to make sure each local neighborhood school provides every single child a high quality education, not just some.

Despite suggestions to the contrary, we support increasing resources for special education. We believe we need to do that in addition to, not instead of, addressing other problems. Helping all children is what we want to do with our educational agenda.

We offered an amendment earlier this year to fully fund the special education program by reducing the Republican tax cut. Guess what. The majority rejected it. I think almost to a person, if not to a person, they rejected it. When it came down to a tax cut or fully funding special education, our Republican colleagues did what we could almost predict they will do every single time: They voted for the tax cut.

I think it is important to note the Republican resolution doesn't give the whole picture about the state of public education. There are problems, but some good things are happening. There is not a word in the resolution they offer today about the good things that have been effective.

I think it was Senator MURRAY who said last week, and it ought to be repeated over and over: Public education isn't failing us; we are failing public education. When we look at the shortfalls in this budget, once again, and the failure to fund the commitment to public education, I think she was right on the mark when she said that.

With the help of incentives from Goals 2000 and the Elementary and Secondary Education Act, school districts are now setting higher academic standards; many school districts are taking strong steps to reform schools using proven, research-based methodologies. Student performance is rising in math, science, and reading. SAT scores are increasing. Students are taking more rigorous, tougher courses they are doing better. A higher percentage of students are receiving passing grades on advanced placement exams, and fewer students are dropping out. I think it is important to note that the gap between whites and blacks in completing high school is closing in many communities.

I hope our Republican colleagues will join in our agenda to help communities achieve all these goals and more. The bottom line is, they have made education their last—not their first, their

last—priority. As the Senator from Massachusetts pointed out, we are less than 1 week away from the end of the fiscal year and we have yet to act on education, yet to act to provide the resources necessary to ensure education is funded.

We have a real opportunity this afternoon to voice our concern, to express our support, to commit the resources. There is no question, a strong public education system is critical for our Nation's future. That is exactly what the Democratic agenda provides.

I urge our colleagues who support the resolution we propose to oppose the Lott-Gregg-Coverdell resolution. I urge my colleagues to make the Federal Government a constructive partner in improving our public schools and to work to enact a strong education agenda with more than rhetoric and with a commitment to the resources and the investments that are required to ensure our actions meet our rhetoric.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. KENNEDY. We heard from the majority leader and the Senator from New Hampshire that we don't have to worry about education funding because they are going to have an appropriations bill that will far exceed the President's request.

I ask the Senator if on the one hand he finds it perhaps encouraging that we are finally moving to get education reform, and what kind of consideration we ought to give to that kind of assurance?

It is Monday evening. We go into the fiscal year on Friday. The majority leader has said we are going to have a budget that will exceed the President's. Can the Senator tell me why, if they are going to exceed the President's budget, that suddenly we find this money, does he know of any reason we have not had this money before? Doesn't he believe we should have had it before? Or does he know from where the funding will come?

Mr. DASCHLE. I think the Senator asks a very good question. I respond by asking three questions of my own.

If that is the case, why did the House Republican caucus choose to make the deep cuts they did? And, second, why was there not an outcry on that side of the aisle in this Chamber against those cuts? Where was the outcry when those deep cuts were made? If that is the case, my third question is, why today are we continuing to use the Health and Human Services subcommittee's budget, their allocation, as an ATM machine to fund everything else? Why the outcry on our side? Look at the record. Why the practice of using this budget as an ATM machine for everything else? If they support education, why doesn't the record show it?

I think the distinguished Senator from Massachusetts asks a very good question. Frankly, I am interested in their response to that question.

Mr. KENNEDY. If the Senator will yield further, I searched the RECORD and I didn't find it as of last week when the leader put in his own resolution and when we talked about this. There was no comment, no sense of outrage at that particular time.

This is a poor way of dealing with the families of this country that understand our role in the area of education is limited. We spend about 7 cents out of every dollar, but we try to target it in areas of special need. To be able to on one day see these dramatic cuts and 3 days later hear a statement by the majority leader that it will be far in excess of the President's request, does not he agree with me that the American people are entitled to a more serious discussion and debate of a priority which they believe so deeply is important for their children and the future of this country?

Mr. DASCHLE. The Senator is absolutely right.

Ask people in South Dakota, and I am sure in Massachusetts: What do you want us to put our time, effort, and resources into? Without question, time and time and time again they say: We want to make sure that one thing happens—our young people are educated. We want to make absolutely certain if you do anything, ensure we have an educated workforce.

I was with a number of businesspeople over the weekend. Again, I was reminded this is not just an education issue; this is a business issue, an economic issue. This is an American strength issue. This could be called a national security issue. That is what this is. It isn't just about education. Our country is at stake. Whether or not we educate our young people adequately determines in large measure what kind of economy we will have, what kind of society we have, and certainly what kind of strength we will have in the long term.

Mr. KENNEDY. I yield 10 minutes to the Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Democratic leader for an excellent statement and for reminding all Members why we are here on a Monday evening debating this issue: The American public has said education is its No. 1 priority. It ought to be the No. 1 priority of the Senate.

I have been delighted to hear the rhetoric from both sides throughout this year that education is the No. 1 priority. That is why I am so disappointed tonight. Clearly, the budget priorities we now see show education has dropped to last. It is the last appropriations bill to be considered. It is the appropriations bill we have been using from which to steal the funds throughout this entire process. Who gets hurt in the end? It is our children.

I listened to a Senator a few minutes ago saying this is a debate about philosophy. I agree. It is a philosophy about whether or not just a few kids in our country get a good education or whether we are going to make sure every child, no matter who they are or where they come from, gets a good education and how we do that.

In talking to parents across this country, they are not saying eliminate bureaucracy; they are not saying block grant the programs. They are saying: Make sure my child can learn to read and write. They are saying: If my child is in a smaller classroom in first, second, and third grade and gets the attention they need, they will get a good education. They will learn how to read and write; they will be a success.

They are asking Congress to partner with their State and local governments to reduce class size. They are asking Congress to make sure our teachers are given the skills they need to teach the young kids in our classrooms. They are asking Congress to put the resources behind the rhetoric.

When I tell people in my State and across this country that 1.6 percent of the Federal budget goes to education, something they believe is a priority, they are appalled. Education needs to be funded at a level where every child can learn to read and write and be a success in this world. This Congress is failing.

I was extremely disappointed with the House appropriations bill that passed out of committee last week; it eliminated the Eisenhower Teacher Professional Development Program. That is a program that is geared to helping our teachers teach the basics of math and science. Talk to the new startup businesses and the businesses that are succeeding. They say our kids need to learn math and science.

That is what the Eisenhower Grant Program is all about. I met with some scientists in my home State just a few months ago, leaders in the biotech industry, leaders in the technology industry. They spent an evening with me, of their own time, because they wanted to tell me how great the Eisenhower teacher professional development grants were, what they have done for students in our local high schools, invigorated them and got them to go on to science and math in college. They wanted to make sure we continued this program.

What did the House do last week? They took the money out. It is gone. No longer are we saying to schools across this country that making sure we have math and science students who succeed is important. That is wrong.

What else did they do? They eliminated the Goals 2000 Program. This is a program that helps school districts fund their own locally-designed programs to help student achievement by improving the quality of teacher training. Every one of us knows, if you want your company to succeed, you make sure your employees have the best skills they can to work for you. That is what we need to be doing with our teachers. We need to be training them. We need to be making sure they have the skills they need to pass on to our young students today. That is what

Goals 2000 is about. The House eliminated it.

The Class Size Reduction Initiative? Eliminated in the House budget. When I went out to my State just a few weeks ago, I went to a school in Tacoma, WA, where they had taken the Class Size Reduction Initiative money we had given them and focused it entirely on the first grade classrooms in the Tacoma school districts. Today, this year, 57 schools in Tacoma, WA, have 15 students in their first grade classrooms. They then used their title I money to help train those teachers in literacy efforts. Their focus this year is to make sure every first grade student can read at the end of the year. That is an amazing program. We are making it happen with the class size reduction money that was passed with bipartisan support a year ago. We are going to now take that away and tell those students and tell those teachers we no longer are going to help them do what they told me was absolutely critical?

As you can see behind me on this chart, K–12 enrollments are increasing dramatically right now. Why are we, then, reducing the levels of support for these students? We have to make sure every child gets the resources he or she needs. We have to make sure the local communities have the resources behind them. We at the Federal level are a partner with our State and our local governments to make sure our kids learn. We want to know their classes are small enough that kids can learn to read and write and do math. We want to know those teachers are trained. We want to know there are afterschool programs so our students do not go home alone, to their neighborhoods, alone where they are not learning or where they are unproductive or can get in trouble. That is what the Democrats have been fighting for. That is what we will continue to fight for.

We know the rhetoric is not going to educate one child. We know all of the bills with big names are not going to educate one child. We do know the dollars—behind reducing class size, training our teachers, Eisenhower grants—make a difference. School districts are held accountable for making sure our kids learn, and we are making sure we have the resources behind those efforts to make sure it happens.

This debate is important. The debate tonight in the Appropriations Committee is even more important—whether we are willing to put those dollars behind those students. I think it is appalling that our kids have been left to last in the budget process, that they are going to be funded by smoke and mirrors. We will not see the reality of this for probably several months, but it will happen. When this is all said and done, if we do not put the dollars behind our students and our teachers and our schools, our kids will get the message. They will get the message that we do not care. I do not want to be sending that message; I do not think anybody here does.

I have listened to the rhetoric. I have heard every Senator come out and say education is critical. If that is the truth, let's pass the Daschle amendment, go to work and make sure our kids have the resources they need to be productive in the next century.

I yield the floor.

Mr. VOINOVICH addressed the Chair.

Mr. DOMENICI. Will the Senator yield for an inquiry? I thought the vote was scheduled by unanimous consent to be at 5:30. Might the Senator from New Mexico inquire when we might start voting?

The PRESIDING OFFICER. The time has been extended. There are a little over 9 minutes for the Senator from Massachusetts and 41 seconds for the Senator from Ohio.

Mr. KENNEDY. I think we were prepared, after these last two speakers, to move ahead. I am told we will reserve.

I know just one Senator who wants to speak for 4 minutes on our side, and we will be prepared to yield back the other time.

The PRESIDING OFFICER. The Senator from Ohio has 41 seconds.

Mr. VOINOVICH. Madam President, I ask unanimous consent I be allowed to speak up to 5 minutes on the pending resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio is recognized for up to 5 minutes.

Mr. VOINOVICH. Madam President, this morning President Clinton announced we have set a new record budget surplus. It now stands at $115 billion, according to the President. That would be absolutely wonderful, if it were true. The President says our prosperity now gives us an unprecedented opportunity and an unprecedented responsibility to shape America's future by putting things first, by moving forward with an economic strategy that is successful and sound, and by meeting America's long-term challenges.

He continues to operate as if he has a $2.9 trillion surplus over the next 10 years to take care of every problem and pay for every program over the next decade. However, the numbers the President is relying on are nothing but a mirage, pure speculation. The $2.9 trillion surplus everyone seems to be talking about in the next 10 years is based on 10-year projections. As Federal Reserve Chairman Alan Greenspan said:

> . . . it's very difficult to project with any degree of conviction when you get out beyond 12, 18 months.

In addition, he stated that:

> . . . projecting five or ten years out is a very precarious activity, as I think we have demonstrated time and time again.

Again, the President continues to play games with the numbers and continues to use Social Security to puff up his inflated budget surplus numbers. How much of this $115 billion so-called surplus is actually offset, using our Nation's pension fund, Social Security? With today's pronouncement, he continues to perpetuate the myth that we have a huge, honest-to-goodness surplus. But he is using Social Security.

Just this last year—and I think this is really important for the American people to understand—there was a great celebration here about having a surplus. But the fact of the matter is that in 1998, when everybody celebrated, there was no on-budget surplus; actually, there was a $30 billion deficit. That is, the expenses exceeded the revenues, and we glossed it over with the Social Security surplus.

We have to stop playing games as if we had all this money to spend. I think the President is doing the American people a disservice. But it is the only way the President is going to be able to fund his expansion of the Federal Government—by claiming the surplus is bigger than it really is and that we are flush with cash. This is not how we should run the Government. It is just plain wrong.

When I was Governor of Ohio, if somebody had come to me from the schools, or from the cities, and said, ''Governor, we want to spend $100 billion on a program,'' and then they said to me, ''I want to use the pension funds from the State of Ohio to pay for it,'' I would have thrown them out of the office. That is what we have been doing in this country, and continue to do, is to pay for programs, frankly, that are the responsibilities of State and local government, by taking the money out of Social Security.

If the President was still the Governor of Arkansas, this wonderful program I have heard about from my Democratic colleagues, all this money for schools, and for all these other new programs, would be appropriate. But the President is not the Governor of the United States of America and this Senate is not the school board of America. The responsibility for education is at the State and local level. Today in this country, with our $5.7 trillion debt, with a deficit that has gone up 1,300 percent, with an interest payment of 14 cents out of every dollar —we are spending more money on interest today than we are on Medicare—we have a terrible financial problem.

I have listened to my colleagues on the other side of the aisle talk about the President's vision. I listen to them every day. I watch them on C–SPAN. They are talking about school construction, 100,000 teachers—they are all great priorities, but they are the responsibility of State and local government.

One of the things this Senate has to face up to, and this country has to face up to: There are certain responsibilities on the Federal Government and there are certain responsibilities on State and local government.

I am going to vote against the Democratic leader and his resolution which continues to raid the pension funds of the United States of America. Does everybody hear me? There is no surplus.

Let's stop talking about it. We have a Social Security surplus, and it is time we stop using the pension funds of the people of this country to pay for programs that are the responsibility of State and local government, particularly in terms of where the States are a lot more flush than we are on the Federal level.

Today I will vote against that resolution. I will support the Republican resolution which advocates giving the most amount of flexibility to our State and local school districts and in programs where we do have a proper role.

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

Mr. VOINOVICH. They are on the front lines and should be given every opportunity to make decisions that are most appropriate for their children.

Earlier this year, we passed Ed-Flex in a bipartisan effort. I even went to the Rose Garden when the President signed it. We need more programs similar to Ed-Flex which give local officials flexibility, and we ought not to be funding State and local programs with our pension funds. I thank the Chair.

Mr. KENNEDY. I yield 4 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank the distinguished Senator from Massachusetts.

I rise to support the Daschle resolution. There is a difference. It says something about any institution in terms of how it prioritizes its agenda, and it says volumes about where the leadership in this Congress is that puts as the last issue for us to discuss and debate the Education appropriations bill. We are last. This is the last one to be considered, despite the fact the American public has said on numerous occasions over the last year or so that they think this is the most important issue. They apparently think it is the least important issue because they have decided to put it at the end of the day. When everything else is taken care of, now we will see if there is anything left over for education.

We have a different point of view. We say we ought to do this first because this is the Nation's No. 1 priority. If we lack an educated society, if we fail to provide opportunities for children and their families to learn, then every other issue will suffer accordingly.

The U.S. Government contributes about 7 percent—7 cents on every dollar—that goes to fund elementary and secondary education. That is our commitment. What we are talking about is as much as a 17-percent cut of that 7 percent. It will be one thing if we are talking about the Federal Government doing the lion's share of the work in education. We are not. We have a paltry 7 percent that we help contribute to the education of America's young people. Now we are talking as much as a 17-percent cut of that 7 percent.

There is a sense of frustration one can hear in our voices because the American people are frustrated. They understand that for this Nation to succeed in the 21st century, it must have the best prepared, best educated generation we have ever produced. Yet here we are with every other appropriations bill having been passed but this one, the last one.

What does it mean in real terms to the American public? It means in real terms there can be a lot fewer children who will get child care, a lot fewer who will get Head Start—about 140,000 of them—a $1.3 billion cut in title I, an $880 million cut in special education.

Let me tell you how important that one is. Ask any mayor of any city in this country whether or not special education dollars are important to them. Put aside, if you will, the needs of families, which I think speak for themselves. But one of the rising costs for our communities across this country is the staggering cost of educating a special needs child. Yet when we are talking about $880 million in cuts for special education, how do we expect our communities to meet that tremendous challenge for those children?

I respect the Ed-Flex bill. We all voted for it. But to call that major education policy—that does not even come close to being major education policy. It is worthy, but it is not the answer. I think it is things such as class size, school safety, Pell grants for needy families, and certainly doing what we can to see to it there is equal opportunity in education all across this country.

I have school districts in my State where my communities have the resources, and they have every imaginable technological opportunity. But I can take you to a school 15 minutes away in inner cities where you will find four or five computers for a student body of 2,000. I come from an affluent State, but most of our educational funding comes from the local level. There are disparities that exist in every one of our States—huge disparities. When all the U.S. Government does is 7 percent—7 cents on the dollar comes from us—with a huge disparity in opportunity, to suggest somehow we have done enough with the Ed-Flex bill and that is all we need to worry about in 1999 in preparation for the 21st century I do not think convinces the American public we are there.

The Daschle bill is something I will support but, candidly, we ought to be voting on a funding resolution on education, not a sense of the Senate that we ought to deal with education. I am disappointed that is not before us. But of the two propositions in front of us, the Daschle proposal at least lays out the fact we ought to be voting on the funding measures and not stealing from education to pay for every other program in this country. Education ought to come first. That is where we stand, and that is what our resolution suggests.

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

Mr. KENNEDY. Whatever time is left, I yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for up to 5 minutes.

Mr. ROBB. I thank the Chair.

Madam President, first, I join my distinguished colleague from Connecticut in his eloquent address and the passion he brings to that subject. I share that passion.

I certainly join many of our colleagues who have spoken about the need to adequately fund our public education system, but I want to respond to an argument the distinguished majority leader made on Friday regarding the condition of our Nation's schools.

The Senator from Mississippi indicated it is not the Federal Government's job to fix leaky roofs. He indicated it is not the responsibility of the Federal Government to build local schools. He indicated that every State has a budget surplus so the Federal Government should not get involved.

As a former Governor who was able to pump over $1 billion of additional money into public education without a tax increase, I might ordinarily agree with that premise, but there are times which call for extraordinary partnerships among localities, States, and the Federal Government. I believe we are experiencing one of those times.

We have three phenomena that are colliding to put the greatest level of stress on our educational infrastructure that we have seen since the 1950s. Our school facilities across the Nation are over 40 years old on average, our school-age population is skyrocketing, and our States and localities simply do not have the resources to do what needs to be done despite their surpluses.

To say that providing school construction funding is not a Federal responsibility is easy. It is an easy way to sit on our hands and do nothing to help children who wade through puddles to get to class, to do nothing to help children who suffer in up to 100-degree temperatures in buildings with no air conditioning, to do nothing to help the countless mayors across this country who stated they desperately need our help.

In Virginia alone, despite our Commonwealth surplus and plans to invest more money in school infrastructure, we still face a $4 billion shortfall in school construction and repair needs. I have heard from superintendents, local officials, State legislators, parents, and, most important, students who have all asked for Federal help in this area.

For those colleagues who fear Federal intrusion in the area of education, I simply say, if Federal officials want to help local officials pay for school buildings and repairs, things we all acknowledge we need urgently, how do we encroach on local school control of education? Localities have asked for our help, and it is help we can provide

without telling them how to run their schools. I believe this is actually one of the least intrusive things that we can do to help from the Federal level.

Providing school infrastructure assistance is not intended to be a panacea for all the challenges we face with respect to increasing academic achievement, but it is certainly a critical need.

Under the leadership of a Republican President, Dwight Eisenhower, our predecessors in Congress summoned the political will to fund a massive national infrastructure initiative.

We did help build roads. We did help build schools. We did it because our States and localities needed our help. We did it because our population was booming. And we did it to try to ensure that the United States would have the infrastructure it needed to be economically sound and competitive. It is my hope that we can summon that will once again.

With that, Madam President, in full support of the statement made by our distinguished Democratic leader and my colleagues on this side of the aisle, and in opposition to the proposal from the other side of the aisle upon which we will vote momentarily, I thank the Chair and yield the floor.

VOTE ON S. RES. NO. 186

The PRESIDING OFFICER. The question is on agreeing to S. Res. No. 186.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to S. Res. 186. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Kentucky (Mr. BUNNING), the Senator from Arizona (Mr. MCCAIN), and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote ''no.''

The result was announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—51

Abraham	Cochran	Fitzgerald
Allard	Collins	Frist
Ashcroft	Coverdell	Gorton
Bennett	Craig	Gramm
Bond	Crapo	Grams
Brownback	DeWine	Grassley
Burns	Domenici	Gregg
Campbell	Enzi	Hatch
Helms	McConnell	Smith (OR)
Hutchinson	Murkowski	Snowe
Hutchison	Nickles	Specter
Inhofe	Roberts	Stevens
Jeffords	Roth	Thomas
Kyl	Santorum	Thompson
Lott	Sessions	Thurmond
Lugar	Shelby	Voinovich
Mack	Smith (NH)	Warner

NAYS—42

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

NOT VOTING—7

Bunning	Kohl	Torricelli
Chafee	Leahy	
Hagel	McCain	

The resolution (S. Res. 186) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 186

Whereas the fiscal year 2000 Senate Budget Resolution increased education funding by $28,000,000,000 over the next five years, and $82,000,000,000 over the next ten years, and the Department of Education received a net increase of $2,400,000,000 which doubles the President's requested increase;

Whereas compared to the President's requested levels, the Democratically controlled Congress' appropriations for the period 1993 through 1995 reduced the President's funding requests by $3,000,000,000, and since Republicans took control of Congress, Federal education funding has increased by 27 percent;

Whereas in the past three years, the Congress has increased funding for Part B of Individuals with Disabilities Education Act by nearly 80 percent, while the Administration's fiscal year 2000 budget only requested a 0.07 percent increase which is less than an adjustment for inflation, and Congress is deeply concerned that while the Administration has provided rhetoric in support of education of the disabled, the Administration's budget has consistently taken money from this high priority program to fund new and untested programs;

Whereas Congress is not only providing the necessary funds, but is also reforming our current education programs, and Congress recognizes that significant reforms are needed in light of troubling statistics indicating—

(1) 40 percent of fourth graders cannot read at the most basic level;

(2) in international comparisons, United States 12th graders scored near the bottom in both mathematics and science;

(3) 70 percent of children in high poverty schools score below even the most basic level of reading; and

(4) in mathematics, 9 year olds in high poverty schools remain two grade levels behind students in low poverty schools;

Whereas earlier in 1999, the 106th Congress took the first step toward improving our Nation's schools by passing the Education Flexibility and Partnership Act of 1999, which frees States and local communities to tailor education programs to meet the individual needs of students and local schools;

Whereas the 1999 reauthorization of the Elementary and Secondary Education Act of 1965 will focus on increasing student achievement by empowering principals, local school boards, teachers and parents, and the focus should be on raising the achievement of all students;

Whereas Congress should reject a one-size-fits all approach to education, and local schools should have the freedom to prioritize their spending and tailor their curriculum according to the unique educational needs of their children;

Whereas parents are the first and best educators of their children, and Congress supports proposals that provide parents greater control to choose unique educational opportunities to best meet their children's educational needs;

Whereas every child should have an exceptional teacher in the classroom, and Congress supports efforts to recruit, retrain, and retain high quality teachers;

Whereas quality instruction and learning can occur only in a first class school that is safe and orderly;

Whereas Congress supports proposals that give schools the support they need to protect teachers and students, remove disruptive influences, and create a positive learning atmosphere; and

Whereas success in education is best achieved when instruction focuses on basic academics and fundamental skills, and students should no longer be subjected to untried and untested educational theories of instruction, rather our Nation's efforts should be geared to proven methods of instruction: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) this Congress has taken strong steps to reform our Nation's educational system and allowed States, local schools and parents more flexibility and authority over their children's education; and

(2) the reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its efforts to send decision making back to States, local schools, and families.

Mr. COVERDELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON S. RES. 187

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to S. Res. 187. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote ''aye.''

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

The result was announced—yeas 41, nays 52, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—41

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

NAYS—52

Abraham	Frist	Nickles
Allard	Gorton	Roberts
Ashcroft	Gramm	Roth
Bennett	Grams	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Burns	Hatch	Smith (NH)
Byrd	Helms	Smith (OR)
Campbell	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McConnell	
Fitzgerald	Murkowski	

NOT VOTING—7

Bunning	Kohl	Torricelli
Chafee	Leahy	
Hagel	McCain	

The resolution (S. Res. 187) was rejected.

Mr. LOTT. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. I 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.

Mr. KENNEDY. Mr. President, reserving the right to object, what is the pending business if we were to go to the pending business?

The PRESIDING OFFICER. S. 625.

Mr. KENNEDY. The bankruptcy legislation?

The PRESIDING OFFICER. The pending business would have been S. 625, which is the bankruptcy bill.

Mr. KENNEDY. Further reserving the right to object, if that legislation were before the Senate, would it be in order for me to offer the minimum wage as an amendment—if it were pending?

The PRESIDING OFFICER. Amendments are in order, if it were pending.

Mr. KENNEDY. But, as I understand it, the leader now has indicated, by consent request, that we go to morning business, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Further reserving the right to object, can the leader give us any idea when we will be back on the pending legislation, the bankruptcy legislation? Or when we will have an opportunity to address the issue of the minimum wage?

Mr. LOTT. Mr. President, if the Senator will yield?

Mr. KENNEDY. Yes.

Mr. LOTT. I would like to get to the bankruptcy reform legislation. I think that is important. We need to have this reform. The system is not working well now, and there is broad support, I think on both sides of the aisle, for bankruptcy reform. I think we could move to the bill if we could have a full debate on bankruptcy and relevant amendments to that. We could probably even work out an agreement that would include consideration of the small businessman's and small businesswoman's needs, and minimum wage needs. But I do not think it is fair the bankruptcy reform legislation, which should be considered in and of and by itself, should become an outbasket for every amendment to be offered on every subject that has already, in many instances, been considered this year, and that it become a Christmas tree for all kinds of unrelated amendments.

That is why I moved to a cloture vote because I wanted to get up bankruptcy reform. I would like to go to that. I will be glad to work out some sort of agreement as to how that bill will be considered. But I do not think we have the time right now, with the appropriations bills we have to complete before the end of the fiscal year. Hopefully, the last one, the 13th one, will be up—it will be up on Wednesday. We will be on that bill until we complete it. Hopefully, we will complete it by midnight on Thursday night, which would be the 13th bill. It would be only about the third time in the last 15 or 20 years we will have passed all appropriations bills through the Senate by the end of the fiscal year.

So that has been our focus. We have been focusing on the appropriations bills. We will have a conference report in the morning we will need to vote on, the Energy and Water appropriations bill. We will continue to move those bills and the conference reports through. When we get through with that process, then we will look back to what the legislative schedule is going to be. I hope we can come to agreement on how that would be considered.

Mr. KENNEDY. Just further reserving the right to object, of course, we did not give a clear indication whether we would have the opportunity to vote on an increase in the minimum wage. We have seen Members vote for an increase in their own pay, their salaries, for some $4,400. We have doubled the President's salary. We voted for an increase for the military, which I strongly support, and also for Government employees.

I wonder when we will be able to enter into some kind of agreement on the minimum wage. I do not think it will take a great deal of time. We will be glad to do it of an evening, if it would be more convenient for the leadership, working out the schedule. But we have not had the opportunity for the Senate to express its will. We would like to at least get some indication from the leader as to when we might be able to do this, since the days are moving along and still many workers, who are working 40 hours a week, 52 weeks of the year, have not participated in the very substantial economic progress and are looking to the Senate to see whether we will address this issue.

Can the leader help us at all, in terms of indicating when we might have some chance to address that?

Mr. LOTT. I can't at this time because we must focus on the appropriations bills through the remainder of this week. I will need to discuss this with Senator DASCHLE and Senator KENNEDY and see if we can come up with a way we can handle that issue without it opening up the door to all kinds of other issues that, in many instances, for instance, we may have already considered in the Senate.

Having said that, whatever we do, I want to make sure we do it in such a way that entry-level workers, people who do come into restaurants and other small businesses, don't wind up losing their jobs. That is important to them. Also, that we do not wind up doing it in such a way that small businessmen and small businesswomen cannot continue to stay in business.

So I think we have to find a way to offset the costs, particularly for small businessmen and small businesswomen who are working on a very small margin of profit. I know I have heard from some. I remember one lady in particular, outside of Atlanta—I think maybe in Marietta—who had a sweet shop. She basically said: If you do this again without some sort of offsets, I cannot make up the difference anymore myself.

So we have to make sure it is a balanced approach when we do consider this and however we consider it.

However, the answer to your question is any time you and Senator DASCHLE want to sit down and seriously discuss a way to get this done, I will be ready to do it, once we get through the appropriations process, which will be done, hopefully, at the end of this week.

Mr. KENNEDY. I have no objection.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ANNIVERSARY OF SUBMISSION OF COMPREHENSIVE TEST BAN TREATY TO SENATE FOR RATIFICATION

Mr. JEFFORDS. Mr. President, as many of my colleagues know, September 23rd was the 2-year anniversary of submission of the Comprehensive Test Ban Treaty to the US Senate for ratification.

Both Republican and Democratic presidents over the span of 4 decades have worked to enhance our national security by negotiating limits on nuclear testing. Progress has been slow and halting, but the inescapable logic of improving security by banning nuclear tests has prevailed. The successful negotiation of the Comprehensive Test Ban Treaty, signed by 152 countries, was the culmination of these decades of effort on the part of the United States. Ratification and entry into force of this treaty is in our best interest and in the best interest of nuclear non-proliferation and international stability.

Mr. President, I have urged the Committee on Foreign Relations to hold hearings on this treaty. I know the Chairman has concerns about the treaty. I hope he will air them in a forum that will allow discussion of his concerns and those of other Members of the Committee. And I urge the Majority Leader to bring this treaty to the Senate floor. Time is of the essence on this matter. America has been the world leader on this issue and was the primary architect of this treaty. We have an obligation to take up this treaty in the Senate, to educate ourselves on its provisions and to debate the merits of its ratification. The eyes of the world are on our actions as the 44 countries who have ratified the treaty prepare to meet on October 6th in Vienna, Austria, to discuss implementation of the treaty. I would vastly prefer that the United States were sitting as a party at that meeting. But at a minimum, we should use this opportunity to make progress on the treaty here in the Senate.

We have an obligation to future generations to improve the national security of our nation. It would be irresponsible of us to let slip out of our grasp a very important tool in the fight against nuclear proliferation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 24, 1999, the Federal debt stood at $5,638,915,059,997.81 (Five trillion, six hundred thirty-eight billion, nine hundred fifteen million, fifty-nine thousand, nine hundred ninety-seven dollars and eighty-one cents).

One year ago, September 24, 1998, the Federal debt stood at $5,523,268,000,000 (Five trillion, five hundred twenty-three billion, two hundred sixty-eight million).

Fifteen years ago, September 24, 1984, the Federal debt stood at $1,566,734,000,000 (One trillion, five hundred sixty-six billion, seven hundred thirty-four million).

Twenty-five years ago, September 24, 1974, the Federal debt stood at $480,939,000,000 (Four hundred eighty billion, nine hundred thirty-nine million) which reflects a debt increase of more than $5 trillion—$5,157,976,059,997.81 (Five trillion, one hundred fifty-seven billion, nine hundred seventy-six million, fifty-nine thousand, nine hundred ninety-seven dollars and eighty-one cents) during the past 25 years.

THE VA/HUD APPROPRIATIONS BILL

Mrs. BOXER. Mr. President, I wish to express my support for the amendment offered last Friday by Senator KERRY to fund 50,000 new Section 8 vouchers. Had the Senate voted on this amendment, I would have voted in favor of it. I am pleased that Senator MIKULSKI and others have committed to work on this issue in conference.

The Kerry amendment is particularly important to my home state in light of the current affordable housing crisis in California. Eleven of the twenty-five least affordable metropolitan areas are located in California. The homeownership rate is 47th among the 50 states. More than one-third of homeowners and one-half of renters pay more than thirty percent of their income for housing in California. On average, it takes more than three years to receive a Section 8 voucher in California. In Los Angeles, approximately 8,000 families are currently on the Section 8 waiting list and it can take as long as eight years to get a voucher. That is just too long for a family to wait for affordable housing.

It is clear that in California, and indeed throughout the country, there is a definite need for further housing assistance.

Section 8 housing assistance serves the poorest of the poor, persons with incomes averaging approximately $7,500 per year. Last year, Congress made available almost 100,000 new Section 8 vouchers. No new vouchers had been made available in the past five years. That was an important first step—but it is time to do more. In my own state of California, almost 13,000 families would receive Section 8 assistance under the Kerry amendment.

Our economy is booming: unemployment is at historically low levels, nearly 18 million jobs have been created since 1993, and the inflation rate has averaged just 2.5 percent since 1993—the lowest rate since the Kennedy Administration.

In these economic good times, however, the gap between rich and poor continues to grow. We must continue to assure that everyone in this country has affordable housing.

I urge my colleagues on the conference committee to provide additional Section 8 vouchers to America's families in need of housing assistance.

Mr. President, I also want to talk about the provision in this bill that would eliminate HUD's Community Builder program.

Community Builders act as liaison between HUD and local governments and non-profit organizations. They help local authorities identify the programs in HUD that best serve the needs of their neighborhoods.

Many experts have affirmed that HUD is becoming the model of reinvention. I believe that HUD's Community Builder program has been a key component of HUD's reinvention efforts.

The Community Builder program is working. Ernst & Young's initial audit found that the Builders are knowledgeable about HUD programs, are making customer service more efficient, assisting communities, and using their expertise to make government work better. A similar survey by Andersen Consulting found that ''Community Builders have had a positive effect on the ability of [HUD] customers . . . to conduct business.''—and recommended an expansion of the Community Builder program to cover more communities. In addition, I have received numerous letters from elected officials and non-profit organizations throughout California expressing support for the Community Builder program.

Approximately twenty HUD offices would be forced to close if the Community Builder program were eliminated—including one in Fresno, California.

I ask that my colleagues on the conference committee work together to find funding for this important program.

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 in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1999*.

MESSAGE FROM THE HOUSE

At 2:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1487. An act to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1487. An act to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906; to the Committee on Energy and Natural Resources.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 23, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 1059. An act 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, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5365. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Dudin v. Commissioner'' (99 T.C. 325 (1992)), received September 23, 1999; to the Committee on Finance.

EC–5366. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''James J. and Sandra A. Gales v. Commissioner'' (T.C. Memo 1999–27), received September 23, 1999; to the Committee on Finance.

EC–5367. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''RJR Nabisco Inc., et al. v. Commissioner'' (T.C. Memo 1998–252) received September 23, 1999; to the Committee on Finance.

EC–5368. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Administrative Appeal of Proposed Adverse Determination of Tax-Exempt Status of Bond Issue'' (Rev. Proc. 99–35, 1999–41 I.R.B.) received September 23, 1999; to the Committee on Finance.

EC–5369. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Ex Parte Communications Prohibition'' (Notice 99–50, 1999–40 I.R.B.—, dated October 4, 1999) received September 23, 1999; to the Committee on Finance.

EC–5370. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Work Opportunity Tax Credit and Welfare-to-Work Tax Credit Notice'' (Notice 99–51) received September 23, 1999; to the Committee on Finance.

EC–5371. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''HOPWA'' (Rev. Rul. 99–39) received September 23, 1999; to the Committee on Finance.

EC–5372. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD 8839, IRS Adoption Taxpayer Identification Numbers) (RIN1545–AV08), received September 22, 1999; to the Committee on Finance.

EC–5373. A communication from the Acting Director, United States Information Agency, transmitting, pursuant to law, a report relative management controls and financial management systems at the Agency; to the Committee on Governmental Affairs.

EC–5374. A communication from the Director, Office of Regulations Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Veterans Education: Montgomery GI Bill-Active Duty; Administrative Error'' (RIN2900–AJ70), received September 24, 1999: to the Committee on Veteran's Affairs.

EC–5375. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of Zaleplon into Schedule IV'' (DEA–182F), received September 24, 1999; to the Committee on the Judiciary.

EC–5376. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to Regulations Regarding the Issuance of Immigrant and Nonimmigrant Visas'' (RIN1400–AB03), received September 24, 1999; to the Committee on Foreign Relations.

EC–5377. A communication from the Deputy Secretary, Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''10b–18; Purchases of Certain Equity Securities by the Issuer and Others'' (RIN3235–AH48), received September 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5378. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Management Official Interlocks'', received September 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5379. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report relative to State member bank compliance with the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

EC–5380. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Designing a Medical Device Surveillance Network''; to the Committee on Health, Education, Labor, and Pensions.

EC–5381. A communication from the Acting Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Health Standards for Occupational Noise Exposure'' (RIN1219–AA53), received September 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5382. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma Regulatory Program'' (SPATS # OK–020–FOR), received September 24, 1999; to the Committee on Energy and Natural Resources.

EC–5383. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Veterinary Services User Fees; Import or Entry Services at Ports'' (Docket #98–006–2), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5384. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly Regulations; Addition of Regulated Areas'' (Docket #99–075–1), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5385. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oriental Fruit Fly; Designation of Quarantined Areas'' (Docket #99–076–1), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5386. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Central Arizona Marketing Area-Suspension'' (DA–99–05) , received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5387. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Revision of the Sampling Techniques for Whole Block and Partial Block Diversions and Increasing the Number of Partial Block Diversions Per Season for Tart Cherries'' (Docket No. FV99–930–2 FIR) , received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5388. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Decreased Assessment Rate'' (Docket No. FV99–993–3 FR), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5389. 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 ''Trifloxystrobin; Pesticide Tolerance'' (FRL #6382–5), received September 22, 1999; to the Committee on Environment and Public Works.

EC–5390. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds'' (RIN1018–AF24), received September 24, 1999; to the Committee on Environment and Public Works.

EC–5391. 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 Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds from Vinegar Generators and Leather Coating Operations'' (FRL #6440–1), received September 21, 1999; to the Committee on Environment and Public Works.

EC–5392. 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 Promulgation of Air Quality Implementation Plans; New Mexico Update to Materials Incorporated by Reference'' (FRL #6441–3), received September 21, 1999; to the Committee on Environment and Public Works.

EC–5393. 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 Promulgation of Air Quality Implementation Plans; State of Colorado; Longmont Carbon Monoxide Redesignation of Attainment and Designation of Areas for Air Quality Planning Purposes'' (FRL #6441–6), received September 21, 1999; to the Committee on Environment and Public Works.

EC–5394. 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 Revision'' (FRL #6443–5), received September 21, 1999; to the Committee on Environment and Public Works.

EC–5395. 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 Promulgation of Air Quality Implementation Plans; New Hampshire; Stage II Comparability and Clean Fuel Fleets'' (FRL #6445–4), received September 24, 1999; to the Committee on Environment and Public Works.

EC–5396. 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 Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxide Budget and Allowance Trading Program'' (FRL #6382–5), received September 22, 1999; to the Committee on Environment and Public Works.

EC–5397. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Emergency Planning and Community Right-to Know Act Section 313 Reporting Guidelines for Semiconductor Manufacturing''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1051. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes (Rept. No. 106–163).

By Mr. McCONNELL, from the Committee on Rules and Administration, without amendment:

S. Res. 189. An original resolution authorizing expenditures by committees of the Senate for the periods October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001 (Rept. No. 106–164).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1568. A bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, for the Committee on Foreign Relations:

Zell Miller, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2000.

Edward W. Stimpson, of Idaho, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Sim Farar, of California, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. COCHRAN (for himself and Mr. DODD):

S. 1642. A bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 1643. A bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1644. A bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL:

S. Res. 189. An original resolution authorizing expenditures by committees of the Senate for the periods October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN (for himself and Mr. DODD):

S. 1642. A bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE EDUCATION FOR DEMOCRACY ACT

Mr. COCHRAN. Mr. President, today I am introducing the Education for Democracy Act. I am pleased that the distinguished Senator from Connecticut (Mr. DODD) has joined me as a cosponsor to reauthorize and improve existing federally supported civic education programs.

''We the People . . . The Citizen and the Constitution,'' has proven to be an excellent curriculum and a successful program for teaching the principles of the Constitution.

Since 1985, the Center for Civic Education has administered the program. It is a rigorous course designed for high school civics classes that provides teacher training using a national network of law professionals as well as other community and business leaders.

The most visible component of We the People, is the simulated Congressional hearings which are competitions at local, state and national levels. The final round of this annual competition is held in an actual United States Senate or House of Representatives hearing room, here in the Nation's Capital.

The Popularity of We the People is demonstrated by the 82,000 teachers and the 26.5 million students who have participated since its beginning. Studies by the Education Testing Service

have repeatedly indicated that We the People participants outperform other students in every area tested. In one, We the People high school students outscored university sophomore and junior political science students in every topic.

A Stanford University study showed that these students develop a stronger attachment to political beliefs, attitudes and values essential to a functioning democracy than most adults and other students. Other studies reveal that We the People students are more likely to register to vote and more likely to assume roles of leadership, responsibility and demonstrate civic virtue.

Mr. President, in addition to We the People, this bill reauthorizes the Civitas International Civic Education Exchange Program, which in cooperation of the United States Information Agency, links American civic educators with their counterparts in Eastern Europe and the states of the former Soviet Union. This program is highly effective in building a community with a common understanding of teaching and improving the state of democracy education, worldwide.

Mississippi recently became the latest state to participate in this important international exchange program. Jones County Junior College in Ellisville, Mississippi will partner with universities in Texas and Florida in an exchange with Hungary and other countries.

Ms. Susie Burroughs, Mississippi's new Civic Education program director, is committed to a deeper understanding of democracy and assisting others who desire to teach the ways of a free society in the world's newest democracies. I am pleased that Mississippi teachers will join the more than 8,000 other teachers who have participated in the Civitas training and exchange opportunities.

Mr. President, We the People and Civitas are preparing America's students and teachers to live and lead in the world by the standards and ideals set by our Founding Fathers.

I invite other Senators to cosponsor and support the Education for Democracy Act.

By Mr. ABRAHAM (for himself, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1644. A bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes; to the Committee on the Judiciary.

ALIEN SMUGGLING PREVENTION AND ENFORCEMENT ACT

Mr. ABRAHAM. Mr. President, I rise to introduce the Alien Smuggling Prevention and Enforcement Act. This legislation, which I am introducing with my colleagues, Senator SCHUMER and Senator FEINSTEIN, will give law enforcement new tools and resources in the continuing fight against the smuggling of illegal aliens.

Despite continued efforts, Mr. President, alien smuggling remains a serious problem in America. Smugglers have responded to increases in the efforts of our border patrol by adopting more daring methods to smuggle individuals illegally into the United States. In many cases, these methods entail little or no concern for the safety of the individuals being smuggled. Moreover, these attempts increasingly involve organized criminal gangs. As recently as 1996, in the Illegal Immigration Reform and Immigrant Responsibility Act, Congress has acted to combat this dangerous form of smuggling. But it is clear that more needs to be done.

I would like to quote from a story appearing in the August 15, 1999 edition of the Detroit News. This story sums up well our current situation, demonstrating that we face a problem of national importance: ''Illegal alien smuggling is a growing yet largely hidden business along the U.S.-Canadian border. Smugglers are getting as much as $50,000 per person to bring in aliens desperate to reach the United States. Yet immigration authorities, short of personnel and detention facilities, can do little to slow the activity.'' The story goes on to quote Carl L. McClafferty, chief of the Detroit sector of the Border Patrol, who notes ''We get spurts of drug smuggling, but we have a constant drone of alien smuggling. For us, alien smuggling is steady work.''

My state of Michigan has been hit particularly hard by alien smugglers. Crackdowns in other areas of the country have made Detroit in particular a target for illegal entry. We simply do not have the staff on hand with the tools and resources needed to successfully combat this problem. This means more illegal aliens in our country. It also produces an added boost to criminal gang activities and all the problems these activities bring with them. And that, Mr. President, is why I am introducing this legislation.

The Alien Smuggling Prevention and Enforcement Act would do the following.

First, it would double the personnel devoted to combating alien smuggling. Today, Mr. President, approximately 260 people are employed by the Immigration and Naturalization Service (INS) to investigate and fight alien smuggling. This figure has not risen in the past three years. This legislation would require the INS to add 50 more investigators and other enforcement personnel each year over the next 5 years, each of them devoted to combating alien smuggling.

Second, this legislation would double criminal sentences for alien smugglers. Under U.S. Sentencing Commission guidelines, the current minimum sentence for smuggling one to five aliens is 10 months; for smuggling 6–24 aliens the minimum sentence is 18 months; for 25–100 aliens it's 27 months; and for more than 100 aliens it's 37 months. Simply put, those sentences are not high enough to deter this heinous conduct. Nor are they severe enough, in moral terms, as punishment for acts involving intentional breaking of American law and the serious risk of injury and death to innocent parties and those being smuggled. This legislation would direct the U.S. Sentencing Commission to double the relevant sentences to 20 months, 36 months 54 months, and 74 months, respectively.

Third, this legislation would increase fines for those convicted of alien smuggling to twice the amount an alien smuggler received, or expected to receive, for his or her this illegal activity. Under U.S. Sentencing Commission guidelines, currently the minimum fine is $3,000 for smuggling one to five aliens; for smuggling 6–24 aliens the fine is $4,000; for 25–100 aliens it's $6,000; and for more than 100 aliens it's $7,500. Again, that is simply not strict enough, particularly given the profits to be made from this illegal activity. This legislation would direct the U.S. Sentencing Commission to impose a fine above these minimum levels equal to twice the amount an alien smuggler received, or expected to receive, for his or her illegal activity.

This legislation also would authorize additional operating expense money to conduct undercover operations and prosecute alien smuggling and require an annual report to Congress by the Commissioner of the INS on the agency's strategy to deal wit alien smuggling.

Taken together, Mr. President, these measures will deter alien smuggling. By giving law enforcement personnel the tools they need to catch alien smugglers and seeing to it that they are punished as harshly as is called for by their crime, this legislation will help deter illegal immigration and deal a very real blow to criminal gang activity.

I urge my colleagues to support this important legislation and 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. 1644

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 ''Alien Smuggling Prevention and Enforcement Act of 1999''.

SEC. 2. INCREASED PERSONNEL FOR INVESTIGATING AND COMBATING ALIEN SMUGGLING.

The Attorney General in each of the fiscal years 2000, 2001, 2002, 2003, and 2004 shall increase the number of positions for full-time, active duty investigators or other enforcement personnel within the Immigration and Naturalization Service who are assigned to combating alien smuggling by not less than 50 positions above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 3. INCREASING CRIMINAL SENTENCES AND FINES FOR ALIEN SMUGGLING.

Pursuant to its authority under section 994(p) of title 28, United States Code, the

United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for smuggling, transporting, harboring, or inducing aliens under sections 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) so as to—

(1) double the minimum term of imprisonment under that section for offenses other than those currently covered by guideline 2L1.1(b)(1) involving the smuggling, transporting, harboring, or inducing of—

(A) 1 to 5 aliens from 10 months to 20 months;

(B) 6 to 24 aliens from 18 months to 36 months;

(C) 25 to 100 aliens from 27 months to 54 months; and

(D) 101 aliens or more from 37 months to 74 months;

(2) increase the minimum level of fines for each of the offenses described in subparagraphs (A) through (D) of paragraph (1) to the greater of the current minimum level or twice the amount the defendant received or expected to receive as compensation for the illegal activity; and

(3) increase by at least 2 offense levels above the applicable enhancement in effect on the date of enactment of this Act the sentencing enhancements for intentionally or recklessly creating a substantial risk of serious bodily injury or causing bodily injury, serious injury, permanent or life threatening injury, or death.

SEC. 4. AMENDMENTS TO SENTENCING GUIDELINES REGARDING THE EFFECT OF PROSECUTORIAL POLICIES.

In the exercise of its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to include the following:

"§ 5H1.14. Plea bargaining and other prosecutorial policies.

''Plea bargaining and other prosecutorial policies, and differences in those policies among different districts, are not a ground for imposing a sentence outside the applicable guidelines range.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service of the Department of Justice such sums as may be necessary to carry out section 2 and to cover the operating expenses of the Service and the Department in conducting undercover investigations of alien smuggling activities and in prosecuting violations of section 274(a)(1)(A) of the Immigration and Nationality Act (relating to alien smuggling), resulting from the increase in personnel under section 2.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 6. ANNUAL REPORT.

Beginning one year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Judiciary Committees of the House of Representatives and the Senate a report on the strategy utilized by the Immigration and Naturalization Service in dealing with alien smuggling.

SEC. 7. ALIEN SMUGGLING DEFINED.

In sections 2, 5, and 6, the term ''alien smuggling'' means any act prohibited by paragraph (1) or (2) of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)).

ADDITIONAL COSPONSORS

S. 25

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 690

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 690, a bill to provide for mass transportation in national parks and related public lands.

S. 928

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 928, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1052

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1052, a bill to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

S. 1085

At the request of Mrs. MURRAY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1085, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1209

At the request of Mr. MURKOWSKI, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1209, a bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes.

S. 1262

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1318

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1318, a bill to authorize the Secretary of Housing and Urban Development to award grants to States to supplement State and local assistance for the preservation and promotion of affordable housing opportunities for low-income families.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Mississippi (Mr. LOTT), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of 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.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1556

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of 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.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

SENATE JOINT RESOLUTION 34

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Joint Resolution 34, a joint resolution congratulating and commending the Veterans of Foreign Wars.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor 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.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. ROBB, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Louisiana (Mr. BREAUX), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

SENATE RESOLUTION 186

At the request of Mr. THOMAS, his name was added as a cosponsor of Senate Resolution 186, a resolution expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965.

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of Senate Resolution 186, supra.

SENATE RESOLUTION 189—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS OCTOBER 1, 1999, THROUGH SEPTEMBER 30, 2000, AND OCTOBER 1, 2000, THROUGH FEBRUARY 28, 2001

Mr. MCCONNELL, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 189

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period October 1, 1999, through September 30, 2000, in the aggregate of $52,933,922, and for the period October 1, 2000, through February 28, 2001, in the aggregate of $22,534,293, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) EXPENSES OF COMMITTEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required—

(A) for the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper and the Department of Telecommunications;

(C) for the payment of stationery supplies purchased through the Keeper of Stationery;

(D) for payments to the Postmaster;

(E) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper; or

(F) for the payment of Senate Recording and Photographic Services.

(c) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period October 1, 1999, through September 30, 2000, and for the period October 1, 2000, through February 28, 2001, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,118,150, of which amount—

(1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $903,523, of which amount—

(1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,796,030, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,568,418, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and

Urban Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,160,739, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,348,349, of which amount—

(1) not to exceed $8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $354, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,449,315, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,472,442, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,823,318, of which amount—

(1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,631,426, of which amount—

(1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,924,935.

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.— For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,248,068.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,688,097, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,146,192, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,762,517, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,604,978, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,158,449, of which amount—

(1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,347,981, of which amount—

(1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 11. COMMITTEE ON GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $5,026,582, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $2,144,819, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from October 1, 1999, through February 28, 2001, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other

standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 49, agreed to February 24, 1999 (106th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $4,560,792, of which amount—

(1) not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,946,026, of which amount—

(1) not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $4,845,263, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $2,068,258, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,647,719, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $703,526, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,330,794, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $567,472, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,246,174, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $531,794, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,100, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by

section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,459,827, of which amount not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $622,709, of which amount not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,674,687, of which amount not to exceed $65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,141,189, of which amount not to exceed $65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,260,534, of which amount not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $537,123, of which amount $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account ''Expenses of Inquiries and Investigations'' appropriated by the legislative branch appropriation Acts for fiscal years 2000 and 2001, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $3,700,000, shall be available for the period October 1, 1999, through September 30, 2000; and

(2) an amount not to exceed $1,600,000, shall be available for the period October 1, 2000, through February 28, 2001.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1) and (2) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 5, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide a new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, September 27, 1999, during the first rollcall vote to hold a business meeting.

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

ADDITIONAL STATEMENTS

MT. HOOD COMMUNITY MENTAL HEALTH CENTER

• Mr. WYDEN. Mr. President, I wish to recognize the outstanding work of the VIEWS volunteers at Mt. Hood Community Mental Health Center of Gresham, Oregon. They devote many hours to helping seniors in emotional crisis.

Mt. Hood Community Mental Health Center began in 1985 as an outreach program for seniors at risk of suicide, and soon developed several programs to address various levels of depression or emotional crisis among seniors, including Volunteers Involved in the Emotional Well-being of Seniors (VIEWS). Over the last ten years, Mt. Hood Community Mental Health Center has trained more than 100 peer counselors who have, in turn, provided crucial counseling to over 400 seniors. Without the help of these volunteers, many of Oregon's seniors would have sunk deeper into isolation and despair. As a result of the assistance of these invaluable volunteers, the medical professionals at Mt. Hood Community Mental Health Center have been able to extend their reach far beyond what their limited budget would otherwise allow.

These volunteers are performing extraordinary work. I am proud that my own State of Oregon has initiated this effort, and I again wish to congratulate the VIEWS volunteers for being an example of what we can do to help others make a positive difference in the lives of seniors.•

TRIBUTE TO H. MELVIN NAPIER

• Mr. CRAIG. Mr. President, I would like to rise today to pay tribute to one of Idaho and America's finest veterans, H. Melvin ''Mel'' Napier, of Boise, ID.

There is no question Mel Napier is a true American patriot and a leader,

from his participation in the military, to his work on behalf of veterans, to his contributions in the community. The Air Force has a very special tradition in Idaho, and Mel has long been part of that tradition. Enlisting in the U.S. Air Force during the Korean conflict, Mel served 4 years on active duty and 8 years in the Air Force Reserves as a meteorologist. He has also been a stalwart veteran advocate. His active membership and leadership in the American Legion led him to be selected to be National Vice Commander in 1982–83. In 1983, Mel began his service as State Adjutant for the Legion, and he has served in that capacity until this September.

Mel's service to our country makes it clear that he has never been afraid of challenges, hardships or hard work. Idaho is privileged to have Mel and his family as residents. I am honored to stand before the Senate today and tell my colleagues about Mel; however, I do this with mixed emotions. Mel Napier recently stepped down as State Adjutant for the American Legion, a position he held for 16 years. It is a special individual indeed who commits to that kind of service on behalf of all the men and women in uniform who have proudly served our great nation.

In sum, I would like to thank Mel for his tremendous contribution to our country, and most of all, to America's veterans. I know that Mel will not be leaving the American Legion, or ending his service to veterans because he will no longer serve as State Adjutant, but I do think that this is a very appropriate time to give Mel our thanks and show our gratitude for his service.

Mr. Napier, thank you, congratulations, and Godspeed.●

TRIBUTE TO KATHRYN ''KAYCI'' COOK

● Mr. SARBANES. Mr. President, I rise today to pay tribute to an outstanding public servant and steward of our National Park System, Kathryn ''Kayci'' Cook, Superintendent of Fort McHenry National Monument and Historic Shrine and Hampton National Historic Site. Kayci has recently been selected as Assistant Superintendent of Glen Canyon National Park in Utah and I, and many others in the State of Maryland, are sorry to see her go.

Throughout her 18-year career with the National Park Service, Kayci Cook has distinguished herself for her leadership, commitment and dedication to managing and protecting our Nation's most precious natural and cultural resources. Beginning as a seasonal park ranger at Wupatki and Canyon de Chelley National Monuments in northern Arizona, she quickly advanced through the ranks to positions as park ranger at San Antonio Missions National Historical Park in Texas, supervisory ranger at California's Death Valley National Monument, and Chief of Resource Education for Apostle Islands National Lakeshore in Wisconsin. In 1994, her contributions and accomplishments in these positions earned Kayci the prestigious Benvinetto Congressional Fellowship

I came to know Kayci three years ago, soon after she was appointed to lead Fort McHenry and Hampton and have had the privilege of working closely with her on a number of matters of mutual concern affecting these units of the National Park System. I can personally attest to the exceptional talent, ingenuity, and energy which she brought to this position. Under her leadership the fort walls and many historic structures at Fort McHenry have been restored, plans have been advanced to develop a new visitors center to accommodate the increasing number of visitors to the Fort, many preservation projects have been completed at Hampton and a new General Management Plan for this historic site is being completed.

Kayci Cook's hard work and dedication to the stewardship Fort McHenry and Hampton have earned her the respect and admiration of everyone with whom she has worked. She leaves behind two units of the National Park System that have been protected and improved through her efforts and the visitors to these sites will benefit from her labors for years to come. In my judgement, her extraordinary commitment and leadership should serve as a standard for those who will follow her. I greatly value the assistance Kayci provided to me and my staff and wish her the best of luck in the years ahead.●

TRIBUTE TO YOUNG MEN OF IDAHO

● Mr. CRAPO. Mr. President, I rise today to pay tribute to two groups of exceptional young men from my State of Idaho.

In August, the South Central Boise Little League team from Boise, ID, became the first little league team from Idaho ever to compete in the Little League World Series. Under the leadership of Stan McGrady, this team of 11- and 12-year-olds completed an underdog run to win the Western Regional Pennant and advance to the Little League World Series in Williamsport, PA. They won one game and lost two in the World Series, but, more importantly, showed an impressive amount of maturity and sportsmanship and represented our state in an exemplary manner.

Furthermore, the Madison Cats of Rexburg, ID, ended a successful season by competing in the Babe Ruth League World Series in Clifton Park, NY. This team of 14-year-olds, coached by Randy Sutton, went undefeated in both the state and regional tournaments to earn the right to represent the Pacific Northwest in the Babe Ruth World Series.

Along with the entire State of Idaho, I am very proud of these young men. Their accomplishments show a level of dedication and teamwork that will benefit them for many years to come. They were exceptional ambassadors for Idaho. I congratulate them, their parents, and their communities on these unprecedented accomplishments.●

WELFARE REFORM AND THE COLLEGE OPTION: A NATIONAL CONFERENCE

● Mr. WELLSTONE. Mr. President, this weekend, the McAuley Institute, Wider Opportunities for Women, the Center for Women Policy Studies, and the Howard Samuels State Management and Policy Center of CUNY hosted a national conference on the important relationship between welfare reform and higher education. On Friday night, they held an opening night reception and awards ceremony. Unfortunately, I was unable to attend, but I ask to have printed in the RECORD a letter that was read on my behalf as part of the ceremony.

The letter follows.

SEPTEMBER 24, 1999.

TO ALL IN ATTENDANCE: First, I would like to begin by apologizing for the fact that I can't be here in person to accept this award. Certainly, I always like to attend any dinner that someone has gone to the trouble of holding in my honor, but even more so I would love to attend your conference focusing on the important relationship between education and economic self-sufficiency.

Second, I would like to thank all of the sponsors of this conference—the McAuley Institute, Wider Opportunities for Women, the Center for Women's Policy Studies, and the Howard Samuels State Management and Policy Center of CUNY—for presenting me with this award. I have worked with these groups in the past on important legislative efforts, and deeply respect the work that each of these organizations has done to protect and advance the well-being of the most needy among us.

Having done that, though, I would also like to take this time to talk a little bit about poverty and need.

We live in a nation of riches. Since 1969, the era when we launched our War on Poverty, we have seen the nation's total wealth per person grow by 62 percent, and as a nation, we consumed 73 percent more material goods and services per person in 1997 than we did 1969. Yet during that same time, the number of poor children in America grew by 46 percent, or more than 4 million children. About one-half of this growth represented the growing number of poor children in families headed by someone who worked.

1998 was a year of economic prosperity for many Americans. Many of us have benefitted greatly from a strong economy: unemployment is at its lowest level since 1969, and for the second year in a row wages have gone up, cutting across the traditional barriers of race, ethnicity and education.

Unfortunately, though, these gains have barely been felt by those left behind by the growing economic inequality we see in this country. New figures on family income show that the gap between low- and moderate-income families and rich families is at an all-time high. During the 1990s, we have seen a disturbing trend in income gains—the rich in America are benefitting in ways that the poor are not: While the richest 20 percent of households gained about $15,000 dollars in annual income between 1990 and 1997, the poorest 20 percent of families gained only about

$35 in annual income. That's a gain of 15 percent versus a gain of less than 1 percent.

A recent study by the Center on Budget and Policy Priorities offers further evidence of the widening income gap between the rich and the poor in this country. Using Congressional Budget Office data, they found that the after-tax income of the richest one percent of the population will more than double between 1977 and 1999, rising 115 percent after adjusting for inflation. At the same time, the average after-tax income for middle-income households, which accounts for 60 percent of all households, will increase by only 8 percent—less than one-half a percent per year—and the average income of the poorest twenty percent of households will actually decrease. As a result of these large increases in income among the rich and the loss of income among the poor, CBPP estimates that in 1999, the richest twenty percent of households in the U.S. will have slightly more income than the other 80 percent of households combined, and the 2.7 million Americans with the highest incomes will have as much after-tax income as the 100 million Americans with the lowest incomes.

My own state of Minnesota provides a telling example of how some of our families are being left behind: Minnesota leads the country in low unemployment—less than 3 percent statewide, less than 2 percent in the Minneapolis-St. Paul area. But even with such impressive figures, we still see a situation where unemployment in our poorest central-city neighborhoods hovers around 15 percent, and a horrifying 60 percent of the children who live in these neighborhoods are growing up in poverty. And it isn't just in our cities, but also among our rural communities, particularly our farm communities, where we see similar levels of poverty and need.

And when we talk about people being poor, we are talking about people in desperate need. It never fails to amaze me what the Federal government defines as poor—in 1997, a three-person family was ''officially'' poor if it made less than $12,802 a year. Even more upsetting, though, is that most poor families in the U.S. don't even meet this minimum. The average poor family with children received in 1997 only $8,688 a year in total income from all sources—the equivalent of $724 a month, $167 a week, less than $24 a day.

Of course, those who suffer the most from poverty in this country are our children. It makes me sick just thinking about it. America's youngest children, those under the age of 6, are more likely to live in poverty than any other age group. During the past two decades there has been a substantial increase in the number and percentage of poor young people in the United States. The young child poverty rate has grown among all racial and ethnic groups, and in urban, suburban, and rural areas. The number of American young children living in poverty increased from 3.5 million in 1979 to 5.2 million in 1997. The young child poverty rate grew by 20 percent during those two decades, and currently one-in-five young children in the U.S. live in poverty. Nearly one-in-two young African American children live in poverty, and about one in three young Latino children live in poverty in the U.S.

Still more horrifying, one in ten young children in the U.S. live in extreme poverty, in families with incomes less than half the poverty level, an amount of only $6,401 for a family of three in 1997. Nearly half of the children living in poverty in the U.S. live in extreme poverty. Currently, the extreme poverty rate among young children is growing faster than the young child poverty rate.

I think what I find most upsetting is not the fact that so many among us still live in poverty, but that so many of those who live in poverty are hard-working parents who are doing everything—everything—that they can. But they still aren't making it. Sixty-one percent of the average poor family's income comes from work—$5,295 a year, $441 a month, $102 a week, or less than $15 a day. For an 8 hour workday, that means someone was earning just under $2 an hour. Only twenty-one percent of our average poor family's income came from welfare—just $1,824 a year, $152 a month, $35 a week, or less than $5 a day. And a majority of all poor children under age 6, 65 percent, live with at least one employed parent. Only one-sixth of poor young children live in families who rely solely on public assistance for income.

How is this possible? How can we live in a time when there are people who literally can't support themselves and their families despite the fact that they work, often nearly 52 weeks a year, 40 hours a week, sometimes more than one job. In a time of unprecedented economic well-being, of budget surpluses, and an 8.6 trillion dollar economy, it is criminal that there are those living among us, who are doing everything within their powers to make ends meet, who cannot provide the basic needs of day-to-day survival for themselves and their families.

We need to ask ourselves, we must ask ourselves, what is happening when we see this happening. We should be desperately concerned when we see that the average income of American families living in poverty actually declined between 1996 and 1997. Simply put, this is both inexcusable and utterly unacceptable. Even in the hardest of times, no family, no child, in this country should be forced to go without the basic necessities of food, shelter, and medical care. But even more so, in a time of unparalleled economic prosperity, how can any one not react with both despair and outrage when confronted by such a scenario?

There is much to be done, much that should be done, much that must be done. I am deeply committed to doing my part: I will continue to offer legislation that protects the rights of the poorest among us, and to fight to help them provide for their needs. I have sponsored or co-sponsored legislation to raise the minimum wage; to find out what's happening to people when they lose their welfare benefits; to allow welfare recipients to count two years of education or vocational training toward their TANF work requirements; to ensure that everyone in America has access to quality, affordable healthcare and child care; and to guarantee that women and children who are victims and survivors of domestic violence have the economic resources and security they need to leave abusive situations. We in Congress must recognize that it isn't enough to tell people they must work, but we also need to provide them with a wide range of supports while they try to make the difficult transition from poverty to economic self-sufficiency. All of it goes together—we must address each if we intend to solve any.

There is so much that you can do with me as well. I urge you to follow what happens in Congress and with the Administration and make your opinion known to your Representatives, to your Senators, and to the President—write, e-mail, fax, and phone. Participate in every way you can, not only for yourselves but also for those who might not feel able to. We must all give a voice to those who are most likely to go unheard, and we must teach them to speak loudly for themselves. We must also make sure that people don't forget the less fortunate among us. Sometimes in our own prosperity, it is easier to simply turn away from that which is difficult or painful to witness. We must not relax our efforts, and we must never allow anyone to declare the war against poverty won until there is no one, no mother, no child, who lies down at night hungry or homeless. No one should have to worry about whether or not they can provide medical care for a sick loved one, or whether or not their child is safe in daycare while they are at work.

I know that I am preaching to the choir at this point, so I will close by simply praising you for all of your efforts—each and every one of you is fighting this fight right on the front lines—and by urging you not to bend and not to give up. In the face of spending cuts, changing priorities, and a simple lack of concern, you are the real ''poverty warriors.''

And finally, I thank you again for honoring me this evening.

Sincerely,

PAUL D. WELLSTONE,
U.S. Senator.●

TRIBUTE TO JUDGE RICH

● Mr. HATCH. Mr. President, on June 9, 1999, Judge Giles S. Rich passed away at age 95, still serving on the U.S. Court of Appeals for the Federal Circuit after nearly 43 years as a Federal judge and as the oldest active Federal judge in U.S. history. Today, the Federal court will hold a memorial service in his honor. I rise today to add my voice to those of the participants in that memorial service in paying tribute to this man who contributed as much, if not more, than anyone else in this century to the development of U.S. patent policy and the promotion of American innovation.

Judge Rich was heard to say, ''You see, as I go along, practically everything I did was what I didn't intend to do.'' I believe that statement to be true in large part because Judge Rich was a man who didn't follow success, but was instead followed by success. Bright people and prestigious positions were drawn to him because of who he was.

Judge Rich was educated at Harvard College, from which he graduated in 1926. He went on to receive his law degree from Columbia Law School in 1929. Since Columbia University didn't have any patent law classes, Judge Rich decided to teach himself patent law, through an arrangement with a professor that allowed him to receive credit for a thorough and lengthy paper on patents. He in turn shared his knowledge and intellect with students as a lecturer on patent law at Columbia University from 1942 until 1956, as an adjunct professor at Georgetown University Law Center from 1963 to 1969, and as a lecturer on patent and copyright law as part of the Federal Judicial Center's training program for newly appointed judges from the program's inception in 1965 until 1971.

As a dedicated lawyer, professor, and judge, Judge Rich played a significant role in the development and evolution of intellectual property law in the United States. He practiced law in a private practice from 1929 to 1956, specializing in patent and trademark law. He became a member of the New York Bar in 1929 and was certified by the U.S. Patent Office in 1934. As a member

of a two-man drafting committee, he was one of the two people principally responsible for drafting the 1952 Patent Act, which served as the first codification of all our nations' federal patent laws and which has served this country well for half a decade without significant revision. In 1992, Judge Rich earned special recognition from President Bush for his contributions to the patent code of our nation's patent system.

Judge Rich served in private practice until 1956, when President Eisenhower appointed him as an associate judge for the Court of Customs and Patent Appeals (CCPA). Then, in 1982, he was appointed as a Circuit Judge for the CCPA's successor court, the U.S. Court of Appeals for the Federal Circuit, which holds exclusive jurisdiction for patent appeals. From his seat on the Federal Circuit, Judge Rich authored landmark decisions clarifying some of the most difficult concepts in patent law, including decisions that have been hailed as laying the foundation for the modern biotechnology industry and important cases dealing with the complex area of software and computer-related inventions.

Judge Rich was the distinguished recipient of a host of awards during his career, ranging from the Jefferson Medal of New Jersey Patent Law Association in 1955 to the Oldest Active Judge in U.S. History Recognized by Chief Justices in 1997. He was the inaugural recipient of the Pesquale J. Federico Memorial Award for outstanding service to the patent and trademark systems, awarded by the Patent and Trademark Office Society. He was awarded the Charles F. Kettering Award and Distinguished Government Service Award from the George Washington University. He was awarded the Harlan Fisk Stone Medal from Columbia University. There is a law school moot court competition sponsored by the American Intellectual Property Law Association—now in its 28th year—named in his honor. There is even an Inn of Court named in his honor. He has been awarded recognition from intellectual property law associations in cities across the country and, in 1997, was awarded the Centennial Visionary Award by the American Intellectual Property Law Association upon the commemoration of its 100th anniversary. He holds honorary Doctor of Law degrees from the George Washington University, John Marshall Law School, and George Mason University School of Law. And these are but a few of the many accolades Judge Rich has received throughout life.

As with all judges, many of those who followed Judge Rich's decisions admired and agreed with his legal theories, while others disagreed. But all respected his intelligence, strength, and ambition. He wrote in the history of the Court of Customs and Patent Appeals that ''[c]ourts are people and little else. Law evolves from their manners of thinking at particular times and from the interactions of people thinking.'' Judge Giles S. Rich, as a person, helped transform our federal courts. He contributed to a body of statutory and judicial precedent that is unparalleled throughout much of our nation's history. Chief Judge Archer said of Judge Rich in 1994 that Judge Rich was ''open-minded, flexible and respectful of the views of his colleagues. He [brought] to the art of judging the temperament and knowledge that are rarely equaled. It sets a high standard for all of us.'' And as John Reilly stated in eulogizing Judge Rich, he was ''a quiet jurist and gentle man who by his tireless scholarship and faithful devotion to the patent law, turned our American century into an inventive, productive powerhouse, to the benefit of us all.''

Judge Rich began his career as an intellectual property law practitioner and scholar at a time when radio broadcasts were the latest emerging technology, yet he lived to set much of the patent policy that formed the foundation for the digital revolution. For these contributions to American jurisprudence and our patent system, his presence will always be remembered by legislators, lawyers, and judges who reflect on the law that was made by the feisty judge that wasn't going to stop hearing cases until something forced him to do so.

Judge Rich, at one time, told an attentive audience of a verse his mother would recite, ''The wise old owl lie in an oak. The more he saw, the less he spoke; the less the spoke the more he heard. Why can't we be more like that old bird?'' The intellectual property community and all of us can learn a great deal from the ''old bird,'' Judge Rich. John Witherspoon, one of Judge Rich's former law clerks, once said that, ''Giles Rich is a Master teacher—by which I mean, he doesn't teach at all; those around him simply learn.''

Many will miss his presence and the experiences it brought. I send my condolences out to his family, and my gratitude to the man who worked so hard to contribute to American jurisprudence and the preservation of America's status as a nation of inventors.●

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

On September 24, 1999, the Senate amended and passed H.R. 2684, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2684) entitled ''An Act 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, and for other purposes.'', do pass with the following amendment

Page 2, strike out all after line 9, over to and including line 3 on page 95, and insert:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $21,568,364,000, to remain available until expended: Provided, That not to exceed $38,079,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,469,000,000, to remain available until expended: Provided, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $28,670,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: 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, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $156,958,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,000.

In addition, for administrative expenses necessary to carry out the direct loan program,

$214,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $57,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,531,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $415,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $520,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans as authorized by 38 U.S.C. chapter 37 subchapter VI, $48,250,000, to remain available until expended: Provided, That no more than five loans may be guaranteed under this program prior to November 11, 2001: Provided further, That no more than fifteen loans may be guaranteed under this program: Provided further, That the total principal amount of loans guaranteed under this program may not exceed $100,000,000: Provided further, That not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the Department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.; and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5), $19,006,000,000, plus reimbursements: Provided, That of the funds made available under this heading, $600,000,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress: Provided further, That of the funds made available under this heading, $635,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2000, and shall remain available until September 30, 2001: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2001: Provided further, That of the funds made available under this heading, not to exceed $27,907,000 may be transferred to and merged with the appropriation for ''General operating expenses'': Provided further, That the Department shall conduct by contract a program of recovery audits with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2001, $316,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $60,703,000 plus reimbursements: Provided, That project technical and consulting services offered by the Facilities Management Service Delivery Office, including technical consulting services, project management, real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2000.

GENERAL POST FUND, NATIONAL HOMES

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the ''General post fund'': Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000.

In addition, for administrative expenses to carry out the direct loan programs, $54,000, which shall be transferred from the ''General post fund'', as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $912,594,000: Provided, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: Provided further, That travel expenditures for the immediate Office of the Secretary shall not exceed $100,000.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $97,256,000: Provided, That of the amount made available under this heading, not to exceed $117,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $43,200,000: Provided, That of the amount made available under this heading, not to exceed $30,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $70,140,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2000, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2000; and (2) by the awarding of a construction contract by September 30, 2001: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year

after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $175,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $90,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2000 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1999.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2000 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2000, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2000, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2000, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. (a) SENSE OF SENATE.—It is the sense of the Senate that it should be the goal of the Department of Veterans Affairs to serve all veterans equitably at health care facilities in urban and rural areas.

(b) REPORT REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

(i) travel times to veterans health care in rural areas;

(ii) waiting periods for appointments for veterans health care in rural areas;

(iii) the cost associated with additional community-based outpatient clinics;

(iv) transportation costs; and

(v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency without large economies of scale.

(B) The recommendations of the Secretary, if any, on how rural veterans' access to health care services might be enhanced.

SEC. 109. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for the Medical Care appropriation of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in VISN 12 until 60 days after the Secretary of Veterans Affairs certifies that the Department has (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented, and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

SEC. 110. (a) FINDINGS.—The Senate makes the following findings:

(1) One of the most outrageous examples of the failure of the Federal Government to honor its obligations to veterans involves the so-called ''atomic veterans'', patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at nuclear test sites.

(2) For more than 50 years, many atomic veterans have been denied veterans compensation for diseases, known as radiogenic diseases, that the Department of Veterans Affairs recognizes as being linked to exposure to radiation. Many of these diseases are lethal forms of cancer.

(3) The Department of Veterans Affairs almost invariably denies the claims for compensation of atomic veterans on the grounds that the radiation doses received by such veterans were too low to result in radiogenic disease, even though many scientists and former Under Secretary for Health Kenneth Kizer agree that the dose reconstruction analyses conducted by the Department of Defense are unreliable.

(4) Although the Department of Veterans Affairs already has a list of radiogenic diseases that are presumed to be service-connected, the Department omits three diseases—lung cancer, colon cancer, and central nervous system cancer—from that list, notwithstanding the agreement of scientists that the evidence of a link between the three diseases and low-level exposure to radiation is very convincing and, in many cases, is stronger than the evidence of a link between such exposure and other radiogenic diseases currently on that list.

(b) SENSE OF SENATE.—It is the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be added to the list of radiogenic diseases that are presumed by the Department of Veterans Affairs to be service-connected disabilities.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $11,051,135,000, to remain available until expended: Provided, That of the total amount provided under this heading, $10,855,135,000, of which $6,655,135,000 shall be available on October 1, 1999 and $4,200,000,000 shall be available on October 1, 2000, shall be for assistance under the United States Housing Act of 1937 (''The Act'' herein) (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, for enhanced vouchers (including renewals) as provided under the ''Preserving Existing Housing Investment'' account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204) for families eligible for assistance under such Act, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 2000: Provided further, That of the total amount provided under this heading, $156,000,000 shall be for section 8 rental assistance under the Act including assistance to relocate residents of properties: (1) that are owned by the Secretary and being disposed of; or (2) that are discontinuing section 8 project-based assistance; for relocation and replacement housing for units that are demolished or disposed of

from the public housing inventory (in addition to amounts that may be available for such purposes under this and other headings); for the conversion of section 23 projects to assistance under section 8; for funds to carry out the family unification program; and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That no funds under this heading may be used for Regional Opportunity Counseling: Provided further, That all balances for the section 8 rental assistance, section 8 counseling, new construction sub-rehabilitation, relocation/replacement/demolition, section 23 conversions, rental and disaster vouchers, loan management set-aside, section 514 technical assistance, and programs previously funded within the ''Annual Contributions'' account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: Provided further, That all balances previously recaptured in the ''Section 8 Reserve Preservation'' account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: Provided further, That the unexpended amounts previously appropriated for special purpose grants within the ''Annual Contributions for Assisted Housing'' account shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: Provided further, That of the amounts previously appropriated for property disposition within the ''Annual Contributions for Assisted Housing'' account, up to $79,000,000 shall be transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: Provided further, That of the unexpended amounts previously appropriated for carrying out the Low-Income Housing Preservation and Resident Homeownership Act of 1990 and the Emergency Low-Income Housing Preservation Act of 1987, other than amounts made available for rental assistance, within the ''Annual Contributions for Assisted Housing'' and ''Preserving Existing Housing Investments'' accounts, shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,555,000,000, to remain available until expended: Provided, That of the total amount, up to $100,000,000 shall be for carrying out activities under section 9(d) of such Act, and technical assistance for the inspection of public housing units, contract expertise, and training and technical assistance directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public housing related to capital activities for lease adjustments to section 23 projects: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as in effect immediately before enactment of this Act: Provided further, That all balances for debt service for Public and Indian Housing and Public and Indian Housing Grants previously funded within the ''Annual Contributions for Assisted Housing'' account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFERS OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,900,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as in effect immediately before enactment of this Act.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $5,000,000 shall be solely for technical assistance, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $250,000 for the cost of necessary travel for participants in such training): Provided further, That of the amount provided under this heading, $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for a program named the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That the term ''drug-related crime'', as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary: Provided further, That none of the funds under this heading may be awarded pursuant to a Notice of Funding Availability which contains substantive program changes unless such program changes have been subject to review under notice and comment rulemaking: Provided further, That, notwithstanding section 5130(c) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11909(c)), the Secretary may determine not to use any such funds to provide public housing youth sports grants.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $500,000,000 to remain available until expended: Provided, That for purposes of environmental review pursuant to the National Environmental Policy Act of 1969, a grant under this heading or under prior appropriations Acts for use for the purposes under this heading shall be treated as assistance under title I of the United States Housing Act of 1937 and shall be subject to the regulations issued by the Secretary to implement section 26 of such Act: Provided further, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $620,000,000, to remain available until expended, of which $4,000,000 shall be used by the National American Indian Housing Council and up to $2,000,000 by the Secretary to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the oversight and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for departmental salaries and expenses, to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for departmental salaries and expenses, to be used only for the administrative costs of these guarantees.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For an Office of Rural Housing and Economic Development to be established in the Department of Housing and Urban Development, $25,000,000, to remain available until expended: Provided, That of the amount under this heading, up to $3,000,000 shall be used to develop capacity at the State and local level for developing rural housing and for rural economic development and for maintaining a clearinghouse of ideas for innovative strategies for rural housing and economic development and revitalization: Provided further, That of the amount under this

heading, at least $22,000,000 which amount shall be awarded by June 1, 2000 to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided further, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $232,000,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, the funds under this heading shall be awarded on a priority basis to renew and maintain existing programs funded under this heading: Provided further, That the Secretary may use up to 1 percent of the funds under this heading for technical assistance.

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301), $4,800,000,000, to remain available until September 30, 2002: Provided, That $67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,000,000 shall be available to support Alaska Native serving institutions and native Hawaiian serving institutions as defined under the Higher Education Act, as amended, $1,800,000 shall be available as a grant to the National American Indian Housing Council, and $45,500,000 shall be for grants pursuant to section 107 of the Act: Provided further, That all funding decisions under section 107 except as specified herein shall be subject to a reprogramming request unless otherwise specified in accordance with the terms and conditions specified in the committee report accompanying this Act: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the Department: Provided further, That all balances for the Economic Development Initiative grants program, the John Heinz Neighborhood Development program, grants to Self Help Housing Opportunity program, and the Moving to Work Demonstration program previously funded within the ''Annual Contributions for Assisted Housing'' account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

Of the amount made available under this heading, $25,000,000 shall be made available for ''Capacity Building for Community Development and Affordable Housing,'' for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $45,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and not less than $10,000,000 for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing: Provided further, That amounts made available for congregate services and service coordinators for the elderly and disabled under this heading and in prior fiscal years may be used by grantees to reimburse themselves for costs incurred in connection with providing service coordinators previously advanced by grantees out of other funds due to delays in the granting by or receipt of funds from the Secretary, and the funds so made available to grantees for congregate services or service coordinators under this heading or in prior years shall be considered as expended by the grantees upon such reimbursement. The Secretary shall not condition the availability of funding made available under this heading or in prior years for congregate services or service coordinators upon any grantee's obligation or expenditure of any prior funding.

Of the amount made available under this heading, notwithstanding any other provision of law, $42,500,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That up to $2,500,000 may be used for capacity buildings efforts.

Of the amount made available under this heading, $110,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts, including $95,000,000 for making individual grants for targeted economic investments in accordance with the terms and conditions specified for such grants in the committee report accompanying this Act.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

The Secretary is directed to transfer the administration of the small cities component of the Community Development Block Grant Program for fiscal year 2000 and all fiscal years thereafter to the State of New York. No funds under this heading may be made available to grantees until the Secretary of Housing and Urban Development transfers the administration of the Small Cities component of the Community Development Block Grants program to the State of New York.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,600,000,000, to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That all Housing Counseling program balances previously appropriated in the ''Housing Counseling Assistance'' account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $1,020,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That the Secretary of Housing and Urban Development shall conduct a review of any balances of amounts provided under this heading in this or any previous appropriations Act that have been obligated but remain unexpended and shall deobligate any such amounts that the Secretary determines were obligated for contracts that are unlikely to be performed and award such amounts during this fiscal year: Provided further, That up to 1 percent of the funds appropriated under this heading may be used for technical assistance: Provided further, That all balances previously appropriated in the ''Emergency Shelter Grants,'' ''Supportive Housing,'' ''Supplemental Assistance for Facilities to Assist the Homeless,'' ''Shelter Plus Care,'' ''Section 8 Moderate Rehabilitation Single Room Occupancy,'' and ''Innovative Homeless Initiatives Demonstration'' accounts shall be transferred to and merged with this account, to be available for any authorized purpose under this heading.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $911,000,000, to remain available until expended: Provided, That $710,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing of which amount $50,000,000 shall be for service coordinators and continuation of existing congregate services grants for residents of assisted housing projects, and for other eligible elderly persons residing in the neighborhood in which such projects are located on an exception basis, and of which amount $50,000,000 shall be for grants for conversion of existing section 202 projects, or portions thereof, to assisted living or related use, subject to the provision that the Secretary shall select existing section 202 projects to receive such assistance on a competitive basis based on a set of conditions that take into account the need for and quality of the proposed alterations, the extent to which the application demonstrates the ability to complete the alterations promptly and successfully, past history of successful deliverance of services

to the elderly, and such other factors as the Secretary deems appropriate: Provided further, That of the amount under this heading, $201,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 1999, and any collections made during fiscal year 2000, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2000, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $120,000,000,000.

During fiscal year 2000, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $100,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: Provided further, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for departmental salaries and expenses; not to exceed $4,022,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses, $160,000,000: Provided, That to the extent guaranteed loan commitments exceed $49,664,000,000 on or before April 1, 2000, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $153,000,000, including not to exceed $153,000,000 from unobligated balances previously appropriated under this heading, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $18,100,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act: Provided further, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000 (including not to exceed $147,000,000 from unobligated balances previously appropriated under this heading), of which $193,134,000, shall be transferred to the appropriation for departmental salaries and expenses; and of which $18,321,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000: Provided, That to the extent guaranteed loan commitments exceed $7,263,000,000 on or before April 1, 2000, an additional $19,800 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $7,263,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2000, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $15,383,000, of which not to exceed $9,383,000 shall be transferred to the appropriation for departmental salaries and expenses.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $35,000,000, to remain available until September 30, 2001.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $40,000,000, to remain available until September 30, 2001, of which $20,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $80,000,000 to remain available until expended, of which $10,000,000 shall be for a Healthy Homes Initiative, which shall be a program pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards: Provided, That all balances for the Lead Hazard Reduction Programs previously funded in the Annual Contributions for Assisted Housing and Community Development Block Grant accounts shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $985,826,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community Development Block Grants Program'' account, $150,000 shall be provided by transfer from the ''Title VI Indian Federal Guarantees Program'' account, and $200,000 shall be provided by transfer from the ''Indian Housing Loan Guarantee Fund Program'' account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 9,300 employees, including any contract employees working on site in the Department: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act after February 1, 2000 to employ any external community builders or to convert any external community builder to career employee after August 1, 1999: Provided further, That the Secretary is prohibited from using funds under this

heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs: Provided further, That the Secretary is prohibited from using funds in excess of $1,000,000 under this heading or any other heading in this Act to pay for travel: Provided further, That the Secretary may not reduce the staffing level at any Department of Housing and Urban Development State or local office.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $95,910,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the ''Drug Elimination Grants for Low-Income Housing'' account: Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General: Provided further, That of the amount under this heading, $10,000,000 shall be made available for the Inspector General to enter in contracts for independent financial audits of programs at the Department of Housing and Urban Development, including audits of internal financial accounts: Provided further, That the amount made available under the previous proviso shall remain available for obligation until September 30, 2001.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $19,493,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2000 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction.

ENHANCED DISPOSITION AUTHORITY

SEC. 203. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking ''fiscal years 1997, 1998 and 1999'' and inserting ''fiscal years 1999 and 2000''.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 204. (a) ELIGIBILITY.—Section 854(c)(1)(A)(ii) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A))(ii), is amended by inserting after ''clause (i)'' a comma and ''or States that received an allocation under this clause in a prior fiscal year''.

(b) MINIMUM GRANT REPEALER.—Section 854(c)(2) of such Act is repealed.

(c) ENVIRONMENTAL REVIEW.—Section 856 of such Act is amended by adding the following new subsection at the end: ''(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547), and shall be subject to the regulations issued by the Secretary to implement such section.''.

FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS

SEC. 205. Section 542 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (b)(5) by striking ''during fiscal year 1999'', and inserting ''in each of fiscal years 1999 and 2000'', and

(2) in the first sentence of subsection (c)(4) by striking ''during fiscal year 1999'' and inserting ''in each of fiscal years 1999 and 2000''.

CLARIFICATION OF OWNER'S RIGHT TO PREPAY

SEC. 206. (a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project;

(2) only if the owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination; and

(3) only if the owner of the project provides notice of intent to prepay or terminate, in such form as the Secretary of Housing and Urban Development may prescribe, to each tenant of the housing, the Secretary, and the chief executive officer of the appropriate State or local government for the jurisdiction within which the housing is located, not less than 150 days, but not more than 270 days, before such prepayment or termination, except that such requirement shall not apply to a prepayment or termination that—

(A) occurs during the 150-day period immediately following the date of the enactment of this Act;

(B) is necessary to effect conversion to ownership by a priority purchaser (as defined in section 231(a) of the Low-Income Housing Preservation and Resident Ownership Act of 1990 (12 U.S.C. 4120(a)), or

(C) will otherwise ensure that the project will continue to operate, at least until the maturity date of the loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed prepayment or termination.

FUNDING OF CERTAIN PUBLIC HOUSING

SEC. 207. No funds in this Act or any other Act may hereafter be used by the Secretary of Housing and Urban Development to determine allocations or provide assistance for operating subsidies or modernization for certain State and city funded and locally developed public housing or assisted housing units, as described in section 9(n)(1)(B) of the United States Housing Act of 1937, unless such unit was so assisted before October 1, 1998.

FHA ADMINISTRATIVE CONTRACT EXPENSE AUTHORITY

SEC. 208. Section 1 of the National Housing Act (12 U.S.C. 1702) is amended by inserting the following new sentence after the first proviso: ''For the purposes of this section, the term ''nonadministrative'' shall not include contract expenses that are not capitalized or routinely deducted from the proceeds of sales, and such expenses shall not be payable from funds made available by this Act.''.

FULL PAYMENT OF CLAIMS

SEC. 209. (a) Section 541 of the National Housing Act is amended—

(1) by amending the heading to read as follows: ''PARTIAL PAYMENT OF CLAIMS ON DEFAULTED MORTGAGES AND IN CONNECTION WITH MORTGAGE RESTRUCTURING''; and

(2) in subsection (b), by striking ''partial payment of the claim under the mortgage insurance contract'' and inserting, ''partial or full payment of claim under one or more mortgage insurance contracts''.

(b) Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 is amended by adding a new subsection (a)(6) to read as follows: ''(6) The second mortgage under this section may be a first mortgage if no restructured or new first mortgage will meet the requirement of paragraph (1)(A).''.

AVAILABILITY OF INCOME MATCHING INFORMATION

SEC. 210. (a) Section 3(f) of the United States Housing Act of 1937 (42 U.S.C. 1437a), as amended by section 508(d)(1) of the Quality Housing and Work Responsibility Act of 1998, is further amended—

(1) in paragraph (1)—

(A) after the first appearance of ''public housing agency'', by inserting '', or the owner responsible for determining the participant's eligibility or level of benefits,''; and

(B) after ''as applicable'', by inserting '', or to the owner responsible for determining the participant's eligibility or level of benefits''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'';

(B) in subparagraph (B), by striking the period and inserting '', or''; and

(C) by inserting at the end the following new subparagraph:

''(C) for which project-based assistance is provided under section 8, section 202, or section 811.''.

(b) Section 904(b) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544), as amended by section 508(d)(2) of the Quality Housing and Work Responsibility Act of 1998, is further amended in paragraph (4)—

(1) by inserting after ''public housing agency'' the first time it appears the following: '', or the owner responsible for determining the participant's eligibility or level of benefits,''; and

(2) by striking ''the public housing agency verifying income'' and inserting ''verifying income''.

ELIMINATION OF SECRETARY PUBLIC HOUSING SET-ASIDE FUNDS

SEC. 211. Subsection (k) of section 9 of the United States Housing Act of 1937, as amended by the Quality Housing and Work Responsibility Act of 1998, is hereby deleted and the following subsections are redesignated, accordingly.

TECHNICAL CORRECTION TO THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

SEC. 212. (a) EXEMPTIONS FROM RESTRUCTURING.—Section 514(h)(1) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 is amended to read as follows:

''(1) the primary financing for the project was provided by a unit of State government or a unit of general local government (or an agency or instrumentality of either) and the primary financing involves mortgage insurance under the National Housing Act, such that the implementation of a mortgage restructuring and rental assistance sufficiency plan under this Act would be in conflict with applicable law or agreements governing such financing;''.

TECHNICAL CORRECTION TO FHA SINGLE FAMILY MORTGAGE LIMITS

SEC. 213. (a) IN GENERAL.—Section 203(b)(2)(A)(ii) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)(ii)) is amended by inserting after ''may not be less than'' the following: ''the greater of the dollar amount limitation in effect for the area on the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1999.

LIMITATION ON COMPENSATION FOR PUBLIC HOUSING

SEC. 214. None of the funds appropriated in this title under the heading of the Public Housing Operating Fund shall be used to pay compensation of an individual, either as direct costs or any proration of an indirect cost, at a rate in excess of $125,000, unless the Secretary of Housing and Urban Development certifies that such compensation should be increased on an individual basis due to special circumstances.

LIMITATION ON COMPENSATION FOR YOUTHBUILD

SEC. 215. None of the funds appropriated in this title for the Youthbuild program shall be used to pay compensation of an individual, either as direct costs or any proration of an indirect cost, at a rate in excess of $125,000, unless the Secretary of Housing and Urban Development certifies that such compensation should be increased on an individual basis.

ADJUSTMENTS TO INCOME ELIGIBILITY FOR UNUSUALLY HIGH OR LOW FAMILIES INCOMES IN ASSISTED HOUSING

SEC. 216. Section 16 of the United States Housing Act of 1937 is amended—

(1) in subsection (a)(2)(A), by inserting before the period the following: ''; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes''; and

(2) in subsection (c)(3), by inserting before the period the following: ''; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes''.

GAO REIMBURSEMENT

SEC. 217. The Comptroller General of the United States shall certify to the Congress on a quarterly basis on the cost of time attributable to the failure of the Department of Housing and Urban Development to cooperate in any investigation being conducted by the General Accounting Office with regard to the activities of the Department. Within 30 days of such certification, the Secretary of Housing and Urban Development shall reimburse the General Accounting Office for such costs from the Salaries and Expenses account of the Department of Housing and Urban Development.

HOME TECHNICAL CORRECTION

SEC. 218. Section 212(a)(1) of the Cranston-Gonzalez National Affordable Housing Act is amended in the first sentence by inserting after ''community housing development organizations,'' the following: ''to preserve housing assisted or previously assisted with section 8 assistance,''.

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD

SEC. 219. Public housing agencies in the states of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2000.

ADMINISTRATION OF THE CDBG PROGRAM BY NEW YORK STATE

SEC. 220. The Secretary of Housing and Urban Development shall transfer on October 1, 1999 the administration of the Small Cities component of the Community Development Block Grants program, as established in the Housing and Community Development Act of 1974, to the State of New York to be administered by the Governor.

RENEWAL OF SECTION 8 PROJECT-BASED CONTRACTS

SEC. 221. (a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b) of this section, the Secretary may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon the termination or expiration of a contract for assistance under section 8 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance), to provide assistance under section 8 of such Act for a covered project (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act) under this section at rent levels that do not exceed comparable market rents for the market area.

(b) MANDATORY RENEWALS.—The Secretary shall offer to renew at up to rent levels that do not exceed comparable market rents for the market area any contract for assistance under section 8 of the United States Housing Act of 1937 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance) that has expired for any covered project (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act)—

(1) in a low-vacancy area; or

(2) where a predominant number of units are occupied by elderly families, disabled families, or elderly and disabled families.

(c) ESTABLISHMENT OF MARKET RENTS.—The Secretary shall establish for units assisted with project-based assistance in covered projects (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act) adjusted rent levels that are equivalent to rents based on appraisals that are derived from comparable properties if the market rent determination is based on not less than 2 comparable properties, including, if there are no comparable properties in the sane market area, 2 properties that have been certified by the Secretary as similar to the covered properties as to neighborhood (including risk of crime), type of location, access, street appeal, age, property size, apartment mix, physical configuration, property and unit amenities, utilities, and other relevant characteristics, provided that the comparable projects are not receiving project-based assistance.

(d) 10-YEAR CONTRACTS.—Notwithstanding any other provision of law, the Secretary and owner of any covered project (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act) may agree to up to a 10-year contract renewal for assistance under section 8 of the United States Housing Act of 1937 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance) under which payments shall be subject to the annual availability of appropriations.

ENHANCED VOUCHER AUTHORITY

SEC. 222. (a) IN GENERAL.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by inserting after subsection (s) the following new subsection:

''(t) ENHANCED VOUCHERS.—

''(1) IN GENERAL.—Enhanced voucher assistance under this subsection for a family shall be voucher assistance under subsection (o), except that under such enhanced voucher assistance—

''(A) subject only to subparagraph (D), the assisted family shall pay as rent no less than the amount the family was paying on the date of the eligibility event for the project in which the family was residing on such date;

''(B) during any period that the assisted family continues residing in the same unit in which the family was residing on the date of the eligibility event for the project, if the rent for the dwelling unit of the family in such project exceeds the applicable payment standard established pursuant to subsection (o) for the unit, the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit (as such rent may be increased from time to time), subject to paragraph (10)(A) of subsection (o);

''(C) subparagraph (B) of this paragraph shall not apply and the payment standard for the dwelling unit occupied by the family shall be determined in accordance with subsection (o) if—

''(i) the assisted family moves, at any time, from such project; or

''(ii) the voucher is made available for use by any family other than the original family on behalf of whom the voucher was provided; and

''(D) if the income of the assisted family declines to a significant extent, the percentage of income paid by the family for rent shall not exceed the greater of 30 percent or the percentage of income paid at the time of the eligibility event for the project.

''(2) ELIGIBILITY EVENT.—For purposes of this subsection, the term 'eligibility event' means, with respect to a multifamily housing project, the prepayment of the mortgage on such housing project, the voluntary termination of the insurance contract for the mortgage for such housing project, or the termination or expiration of the contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project, that, under paragraphs (3) and (4) of section 515(c) or section 524(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) or section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)), results in tenants in such housing project being eligible for enhanced voucher assistance under this subsection.

''(3) TREATMENT OF ENHANCED VOUCHERS PROVIDED UNDER OTHER AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, any enhanced voucher assistance provided under any authority specified in subparagraph (D) shall be treated, and subject to the same requirements, as enhanced voucher assistance under this subsection.

''(B) IDENTIFICATION OF OTHER AUTHORITY.—The authority specified in this subparagraph is the authority under—

''(i) the 10th, 11th, and 12th provisos under the 'Preserving Existing Housing Investment' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884), pursuant to such provisos, the first proviso under the 'Housing Certificate Fund' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65; 111 Stat. 1351), or the first proviso under the 'Housing Certificate Fund' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276; 112 Stat. 2469); and

''(ii) paragraphs (3) and (4) of section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), as in effect before the enactment of this Act.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as may be necessary for enhanced voucher assistance under this subsection.''.

(b) ENHANCED VOUCHERS UNDER MAHRAA.—Section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking paragraph (4) and inserting the following new paragraph:

''(4) ASSISTANCE THROUGH ENHANCED VOUCHERS.—In the case of any family described in paragraph (3) that resides in a project described in section 512(2)(B), the tenant-based assistance provided shall be enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).''.

(c) ENHANCED VOUCHERS FOR CERTAIN TENANTS IN PREPAYMENT AND VOLUNTARY TERMINATION PROPERTIES.—Section 223 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113) is amended by adding at the end the following new subsection:

''(f) ENHANCED VOUCHER ASSISTANCE FOR CERTAIN TENANTS.—

''(1) AUTHORITY.—In lieu of benefits under subsections (b), (c), and (d), and subject to the availability of appropriated amounts, each family described in paragraph (2) shall be offered enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

''(2) ELIGIBLE FAMILIES.—A family described in this paragraph is a family that is—

''(A) a low-income family or a moderate-income family;

''(B) an elderly family, a disabled family, or residing in a low-vacancy area; and

''(C) residing in eligible low-income housing on the date of the prepayment of the mortgage or voluntary termination of the insurance contract.''.

(d) ENHANCED VOUCHERS FOR EXPIRING CONTRACTS.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new subsection:

''(b) ENHANCED VOUCHER ASSISTANCE FOR COVERED RESIDENTS.—

''(1) IN GENERAL.—In the case of a contract for project-based assistance under section 8 for a covered project that is not renewed under subsection (a) of this section (or any other authority), to the extent that amounts for assistance under this subsection are provided in advance in appropriation Acts, upon the date of the expiration of such contract the Secretary—

''(A) shall make enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) available on behalf of each covered resident of the covered project; and

''(B) may make enhanced voucher assistance under such section available on behalf of any other low-income family who, upon the date of such expiration, is residing in an assisted dwelling unit in the covered project.

''(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) ASSISTED DWELLING UNIT.—The term 'assisted dwelling unit' means a dwelling unit that—

''(i) is in a covered project; and

''(ii) is covered by rental assistance provided under the contract for project-based assistance for the covered project.

''(B) COVERED PROJECT.—The term 'covered project' means any housing that—

''(i) consists of more than 4 dwelling units;

''(ii) is covered in whole or in part by a contract for project-based assistance under—

''(I) the new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983),

''(II) the property disposition program under section 8(b) of the United States Housing Act of 1937,

''(III) the moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991),

''(IV) the loan management assistance program under section 8 of the United States Housing Act of 1937,

''(V) section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975),

''(VI) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965, or

''(VII) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965,

which contract will under its own terms expire during the period consisting of fiscal years 2000 through 2004;

''(iii) is not housing for which residents are eligible for enhanced voucher assistance pursuant to section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)); and

''(iv) is not housing for which residents are eligible for enhanced voucher assistance pursuant to paragraphs (3) and (4) of section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note).

''(C) COVERED RESIDENT.—The term 'covered resident' means a family who—

''(i) upon the date of the expiration of the contract for project-based assistance for a covered project, is residing in an assisted dwelling unit in the covered project; and

''(ii) as a result of a rent increase occurring after the date of such contract expiration is subject to a rent for such unit that exceeds 30 percent of adjusted income.''.

HOUSING FINANCE AGENCIES

SEC. 223. The Secretary may contract with State or local housing finance agencies that have been selected as a Participating Administrative Entity under the Multifamily Assisted Housing Reform and Affordability Act of 1997 for determining the market rental rates of a covered project as defined under such Act.

SECTION 202 EXEMPTION

SEC. 224. Notwithstanding section 202 of the Housing Act of 1959 or any other provision of law, Peggy A. Burgin may not be disqualified on the basis of age from residing at Clark's Landing in Groton, Vermont.

DARLINTON PRESERVATION AMENDMENT

SEC. 225. Notwithstanding any other provision of law, upon prepayment of the FHA-insured Section 236 mortgage, the Secretary shall continue to provide interest reduction payment in accordance with the existing amortization schedule for Darlinton Manor Apartments, a 100-unit project located at 606 North 5th Street, Bozemen, Montana, which will continue as affordable housing pursuant to a use agreement with the State of Montana.

SECTION 236 IRP REFORM

SEC. 226. Section 236(g) of the National Housing Act is amended, in the last sentence, by inserting ''or a project owner with a mortgage formerly insured under this section (if such mortgage is held by the Secretary and such project owner is current with respect to the mortgage obligation),'' before ''may retain''.

RISK-SHARING PRIORITY

SEC. 227. Section 517(b)(3) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 is amended by inserting after ''1992.'' the following: ''The Secretary shall give a priority to risk-shared financing under section 542(c) of the Housing and Community Development Act of 1992 for any mortgage restructuring, rehabilitation financing, or debt refinancing included as part of a mortgage restructuring and rental assistance sufficiency plan if the terms and conditions will result in reduced risk of loss to the federal government.''.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $26,467,000, to remain available until expended: Provided, That the American Battle Monuments Commission may borrow up to $65,000,000 from the Treasury of the United States for the construction of the World War II memorial in the District of Columbia on such terms and conditions as required by the Secretary of the Treasury.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $6,500,000: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $80,000,000, to remain available until September 30, 2001, of which $12,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $32,000,000: Provided further, That not more than $25,000,000 of the funds made available under this heading may be used for programs and activities authorized in

section 114 of the Community Development Banking and Financial Institutions Act of 1994.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $49,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $423,500,000, to remain available until September 30, 2000: Provided, That not more than $27,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $224,500,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $40,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations acts, $80,000,000 shall be rescinded.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 7251–7298, $11,450,000, of which $910,000, shall be available for the purpose of providing financial assistance as de scribed, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $12,473,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $642,483,000, which shall remain available until September 30, 2001: Provided, That the obligated balance of sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That the obligated balance of funds transferred to this account in Public Law 105–276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,897,000,000, which shall remain available until September 30, 2001, and of which not less than $12,000,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' and shall be available for the Montreal Protocol Fund: Provided, That the obligated balance of such sums shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That personnel compensation and benefits costs shall not exceed $900,000,000: Provided further, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That notwithstanding 7 U.S.C. 136r and 15 U.S.C. 2609, beginning in fiscal year 2000 and thereafter, grants awarded under section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and section 10 of the Toxic Substances Control Act, as amended, shall be available for research, development, monitoring, public education, training, demonstrations, and studies.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $32,409,000, to remain available until September 30, 2001: Provided, That the sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That the obligated balance of funds transferred to this account in Public Law 105–276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $25,930,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,400,000,000 (of which $100,000,000 shall not become available until September 1, 2000), including $650,000,000 as appropriated under this heading in Public Law 105–276, notwithstanding the language in the sixth proviso under this heading of such Act which conditions the availability of such funds for obligation upon enactment by August 1, 1999 of specific Superfund reauthorization legislation, and the seventh proviso; all of which is to remain available until expended, consisting of $700,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $700,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended by Public Law 101–508: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section

111(a) of CERCLA: Provided further, That $10,753,100 of the funds appropriated under this heading shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2001: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, $70,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry (ATSDR) to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: Provided further, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A): Provided further, That $38,000,000 of the funds appropriated under this heading shall be transferred to the ''Science and Technology'' appropriation to remain available until September 30, 2001: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2000.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $71,556,000, to remain available until expended.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

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

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,250,000,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $30,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $100,000,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in Senate Report 106–161 accompanying this Act (S. 1596); $885,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities; and $10,000,000 for competitive grants to States and federally-recognized Indian tribes to develop and implement integrated information systems to improve environmental decisionmaking, reduce the burden on regulated entities and improve the reliability of information available to the public: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2000 and hereafter where such amounts represent costs of administering the fund, to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That beginning in fiscal year 2000 and thereafter, notwithstanding section 518(f) of the Federal Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian Tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That the $2,200,000 appropriated in Public Law 105–276 in accordance with House Report No. 105–769, for a grant to the Charleston, Utah Water Conservancy District, as amended by Public Law 106–31, shall be awarded to Wasatch County, Utah, for water and sewer needs: Provided further, That the funds appropriated under this heading in Public Law 105–276 for the City of Fairbanks, Alaska, water system improvements shall instead be for the Matanuska-Susitna Borough, Alaska, water and sewer improvements.

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not award any funds under any heading in this Act to a non-profit organization as defined by section 501(c)(3) of the Internal Revenue Code unless such organization has certified that it has not used federal funds to engage in litigation against the United States.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,675,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $34,666,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency Management Planning and Assistance'' for the consolidated emergency management performance grant program.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,295,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

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

EMERGENCY Y2K ASSISTANCE

For expenses related to Year 2000 conversion costs for counties and local governments, $100,000,000, to remain available until September 30, 2001: Provided, That the Director of the Federal Emergency Management Agency shall carry out a Year 2000 conversion local government emergency grant and loan program for the purpose of providing emergency funds through grants or loans of not to exceed $1,000,000 for each county and local government that is facing Year 2000 conversion failures after January 1, 2000 that could adversely affect public health and safety: Provided further, That of the funds made available to a county or local government under this provision, 50 percent shall be a grant and 50 percent shall be a loan which shall be repaid to the Federal Emergency Management Agency at the prime rate within 5 years of the loan: Provided further, That none of the funds provided under this heading may be transferred to any county or local government until 15 days after the Director of the Federal Emergency Management Agency has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform a proposed allocation and plan for that county or local government to achieve Year 2000 compliance for systems directly related to public health and safety programs: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

Provided further, That of the amounts provided under the heading ''Funds Appropriated to the President'' in title III of Division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $100,000,000 are rescinded

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $180,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $8,015,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $255,850,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131 (b) and (c) and 42 U.S.C. 5196 (e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants: Provided further, That beginning in fiscal year 2000 and thereafter, and notwithstanding any other provision of law, the Director of FEMA is authorized to provide assistance from funds appropriated under this heading, subject to terms and conditions as the Director of FEMA shall establish, to any State for multi-hazard preparedness and mitigation through consolidated emergency management performance grants: Provided further, That notwithstanding any other provision of law, FEMA shall extend its cooperative agreement for the Jones County, Mississippi Emergency Operating Center, and the $250,000 obligated as federal matching funds for that Center shall remain available for expenditure until September 30, 2001.

EMERGENCY FOOD AND SHELTER PROGRAM

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

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2000, as authorized by Public Law 105–276, shall not be less than 100 percent of the amounts anticipated by the Director of the Federal Emergency Management Agency (FEMA) necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2000, and remain available until expended.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $24,333,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $78,710,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2001. In fiscal year 2000, no funds in excess of: (1) $47,000,000 for operating expenses; (2) $456,427,000 for agents' commissions and taxes; and (3) $50,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 2000, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking ''1999'' and inserting ''2000''.

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking ''September 30, 1999'' and inserting ''September 30, 2000''.

NATIONAL INSURANCE DEVELOPMENT FUND

To liquidate the indebtedness of the Director of the Federal Emergency Management Agency resulting from prior borrowing pursuant to the Urban Property Protection and Reinsurance Act of 1968, as amended (12 U.S.C. 1749bbb et seq.), $3,730,100.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,622,000, to be deposited into the Consumer Information Center Fund: Provided, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 2000 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

INTERNATIONAL SPACE STATION

(INCLUDING TRANSFER OF FUNDS)

For the necessary expenses, not otherwise provided for, in support of the International Space Station, including development, operations and research support; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $2,482,700,000, to remain available until September 30, 2001: Provided, That funds under this heading may be used to support eligible activities under the Launch Vehicles and Payload Operations account, subject to reprogramming approval of such transfer by the Senate and House Appropriations Committees.

LAUNCH VEHICLES AND PAYLOAD OPERATIONS

For the necessary expenses, not otherwise provided for, in support of the space shuttle program, including safety and performance upgrades, space shuttle operations, and payload utilization and operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $3,156,000,000, to remain available until September 30, 2001: Provided, That none of the funds under this heading may be used to support the development or operations of the International Space Station other than the costs of space shuttle flights utilized for space station assembly.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,424,700,000, to remain available until September 30, 2001.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,495,000,000, to remain available until September 30, 2001.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $20,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''International Space Station'', ''Launch vehicles and payload operations'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''International Space Station'', ''Launch vehicles and payload operations'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2002.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2000 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

Except for activities identified for fiscal year 2000 or prior fiscal years as part of the budget for the International Space Station, NASA shall terminate any discrete program or activity that exceeds either its annual or aggregate budget by fifteen percent as provided in NASA's budget justifications.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2000, the administrative expenses of the Central Liquidity Facility in fiscal year 2000 shall not exceed $257,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,007,300,000, of which not to exceed $253,630,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2001: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $60,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crop: Provided further, That none of the funds appropriated or otherwise made available to the National Science Foundation in this or any prior Act may be obligated or expended by the National Science Foundation to enter into or extend a grant, contract, or cooperative agreement for the support of administering the domain name and numbering system of the Internet after September 30, 1998: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including award-related travel, $70,000,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, award-related travel, and rental of conference rooms in the District of Columbia, $688,600,000, to remain available until September 30, 2001: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $55,000,000 shall be available for the purpose of establishing an office of innovation partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $150,000,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2000 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $5,550,000, to remain available until September 30, 2001.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $60,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $25,250,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of

the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2000 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2000 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Notwithstanding any other law, funds made available by this or any other Act or previous Acts for the United States/Mexico Foundation for Science may be used for the endowment of such Foundation: Provided, That funds from the U.S. Government shall be matched in equal amounts with funds from Mexico: Provided further, That the accounts of such Foundation shall be subject to U.S. Government administrative and audit requirements concerning grants and requirements concerning cost principles for nonprofit organizations.

SEC. 423. None of the funds made available in this Act may be used to carry out Executive Order No. 13083.

SEC. 424. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted for the appropriations.

SEC. 425. None of the funds made available in this Act may be used for purposes of lobbying or litigating against, including any related activity or cost, any Federal entity or official. Any funds received under this Act shall be maintained in an account separate from any funds used for litigating or lobbying. Notwithstanding any other provision of law, none of the funds made available in this Act (or any subsequent Act that makes available appropriations for programs funded under this Act) shall be made available for a period of five years to any entity or person that violates the requirements of the preceding two sentences.

SEC. 426. None of the funds provided in this Act may be obligated after February 15, 2000, unless each department, agency, corporation, and commission that receives funds herein provides detailed justifications to the Committees on Appropriations for all salary and expense activities for fiscal years 2001 through 2005, including personnel compensation and benefits, consulting costs, professional services or technical service contracts regardless of the dollar amount, contracting out costs, travel and other standard object classifications for all headquarters offices, regional offices, or field installations and laboratories, including the number of full-time equivalents per office, and the personnel compensation, benefits and travel costs for each Secretary, Assistance Secretary or Administrator.

SEC. 427. LAW ENFORCEMENT AGENCIES NOT RESPONSIBLE FOR CLEAN-UP OF METHAMPHETAMINE LABORATORIES. Notwithstanding any other provision of law, no state or local law enforcement agency shall be responsible under any Federal law for any costs associated with the clean-up or remediation of any premises used for the manufacture or production of methamphetamine.

SEC. 428. No funds in this Act shall be made available for any activity or the publication or distribution of literature that is designed to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 429. Notwithstanding any other provision of law, the amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101–507) for a special purpose grant under section 107 of the Housing and Community Development Act of 1974 to the County of Hawaii for the purpose of an environmental impact statement for the development of a water resource system in Kohala, Hawaii, that is unobligated on the date of enactment of this Act, may be used to fund water system improvements, including exploratory wells, well drillings, pipeline replacements, water system planning and design, and booster pump and reservoir development.

SEC. 430. None of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of transferring any research aircraft from Glenn Research Center, Ohio, to another field center of the Administration.

SEC. 431. GAO STUDY ON FEDERAL HOME LOAN BANK CAPITAL. (a) STUDY.—The Comptroller General of the United States shall conduct a study of—

(1) possible revisions to the capital structure of the Federal Home Loan Bank System, including the need for—

(A) more permanent capital;

(B) a statutory leverage ratio; and

(C) a risk-based capital structure; and

(2) what impact such revisions might have on the operations of the Federal Home Loan Bank System, including the obligation of the Federal Home Loan Bank System under section 21B(f)(2)(C) of the Federal Home Loan Bank Act.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the results of the study conducted under subsection (a).

SEC. 432. SENSE OF THE SENATE REGARDING AERONAUTICS RESEARCH. (a) FINDINGS.—The Senate finds the following:

(1) Every aircraft worldwide uses and benefits from NASA technology.

(2) Aeronautical research has fostered the establishment of a safe, affordable air transportation system that is second to none.

(3) Fundamental research in aeronautics is not being supported anywhere in the country outside of NASA.

(4) The Department of Transportation predicts that air traffic will triple over the next 20 years, exacerbating current noise and safety problems at already overcrowded airports. New aeronautics advancements need to be developed if costs are to be contained and the safety and quality of our air infrastructure is to be improved.

(5) Our military would not dominate the skies without robust investments in aeronautics research and development.

(6) Technology transferred from NASA aeronautics research to the commercial sector has created billions of dollars in economic growth.

(7) The American aeronautics industry is the top contributor to the United States balance of trade, with a net contribution of more than $41,000,000,000 in 1998.

(8) Less than 10 years ago, American airplane producers controlled over 70 percent of the global market for commercial aviation.

(9) America's dominance in the world's civil aviation market is being challenged by foreign companies like Airbus, which now has approximately 50 percent of the world's civil aviation market, and is aiming to capture 70 percent.

(10) The rise of foreign competition in the global civil aviation market has coincided with decreases in NASA's aeronautics research budget and a corresponding increase in European investment.

(11) NASA's aeronautics laboratories have the research facilities, including wind tunnels, and technical expertise to conduct the cutting-edge scientific inquiry needed to advance state-of-the-art military and civil aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should increase its commitment to aeronautics research funding.

SEC. 433. UNDERGROUND STORAGE TANKS. Not later than May 1, 2000, in administering the underground storage tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.), the Administrator of the Environmental Protection Agency shall develop a plan (including cost estimates)—

(1) to identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (including regulations);

(2) to identify underground storage tanks in temporary closure;

(3) to determine the ownership of underground storage tanks described in paragraphs (1) and (2);

(4) to determine the plans of owners and operators of underground storage tanks described in paragraphs (1) and (2) to bring the underground storage tanks into compliance or out of temporary closure; and

(5) in a case in which the owner of an underground storage tank described in paragraph (1) or (2) cannot be identified—

(A) to bring the underground storage tank into compliance; or

(B) to permanently close the underground storage tank.

SEC. 434. The comment period on the proposed rules related to section 303(d) of the Clean Water Act published at 64 Federal Register 46012 and 46058 (August 23, 1999) shall be extended from October 22, 1999, for a period of no less than 90 additional calendar days.

SEC. 435. Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking ''1999'' and inserting ''2000''.

SEC. 436. PROMULGATION OF STORMWATER REGULATIONS. (a) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate the Phase II stormwater regulations until the Administrator submits to the Committee on Environment and Public Works of the Senate a report containing—

(1) an in-depth impact analysis on the effect the final regulations will have on urban, suburban, and rural local governments subject to the regulations, including an estimate of—

(A) the costs of complying with the 6 minimum control measures described in the regulations; and

(B) the costs resulting from the lowering of the construction threshold from 5 acres to 1 acre;

(2) an explanation of the rationale of the Administrator for lowering the construction site threshold from 5 acres to 1 acre, including—

(A) an explanation, in light of recent court decisions, of why a 1-acre measure is any less arbitrarily determined than a 5-acre measure; and

(B) all qualitative information used in determining an acre threshold for a construction site;

(3) documentation demonstrating that stormwater runoff is generally a problem in communities with populations of 50,000 to 100,000 (including an explanation of why the coverage of the regulation is based on a census-determined population instead of a water quality threshold); and

(4) information that supports the position of the Administrator that the Phase II stormwater program should be administered as part of the National Pollutant Discharge Elimination System under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

(b) PHASE I REGULATIONS.—No later than 120 days after enactment of this Act, the Environmental Protection Agency shall submit to the Senate Environment and Public Works Committee a report containing a detailed explanation of the impact, if any, that the Phase I program has had in improving water quality in the United States (including a description of specific measures that have been successful and those that have been unsuccessful).

(c) FEDERAL REGISTER.—The reports described in subsections (a) and (b) shall be published in the Federal Register for public comment.

SEC. 437. PESTICIDE TOLERANCE FEES. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000''.

ORDERS FOR TUESDAY, SEPTEMBER 28, 1999

Mr. ROBERTS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, September 28.

I further ask unanimous consent that on Tuesday, 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 a period of morning business until 12:30, with Senators speaking for up to 5 minutes each with the following exceptions: Senator DURBIN, or his designee, 10 to 10:30; Senator SNOWE, or her designee, 10:30 to 11.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent the Senate stand in recess from 12:30 to 2:15 for the weekly policy conferences to meet.

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

PROGRAM

Mr. ROBERTS. Mr. President, for the information of all Senators, the Senate will convene at 10 a.m. tomorrow and be in a period of morning business until 12:30. It is expected that tomorrow morning the Senate will be able to reach an agreement for the consideration of the Energy and Water Appropriations conference report. It is hoped the Senate would begin that conference report at approximately 11 o'clock on Tuesday for 45 minutes of debate. If that agreement is reached, Senators could anticipate the first rollcall vote to occur at approximately 11:45 in the morning.

Following the party conference meetings, the Senate may begin consideration of the digital millennium legislation or any conference reports or appropriations bills available for action while waiting for the continuing resolution from the House of Representatives. Therefore, Senators can anticipate votes throughout tomorrow's session of the Senate.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERTS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Tuesday, September 28, 1999, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 27, 1999:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

GERALD V. POJE, OF VIRGINIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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

MAJ. GEN. CHARLES F. WALD, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. RONALD C. MARCOTTE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. THOMAS J. KECK, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. HAL M. HORNBURG, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. WALTER S. HOGLE, JR., 0000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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

MAJ. GEN. GARY S. MCKISSOCK, 0000.

IN THE NAVY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531, AND 5589:

To be lieutenant

ROBERT C. ADAMS, 0000
LARRY J. ADKINS, 0000
JEFFREY F. ALLSTON, 0000
KENNETH D. ALWARD, 0000
SCOTT A. ANDERSON, 0000
ERIC H. ANDREWS, 0000
JAMES E. ANTHONY, 0000
FLORENCIO C. ARCEO, 0000
FRANK V. ARENA, 0000
TOMMY L. BAILEY, JR., 0000
GUY A. BAKER, 0000
VINCE W. BAKER, 0000
EDGARDO V. BALDUEZA, 0000
THOMAS D. BALL, 0000
CELESTE D. BATEY, 0000
LORRINDA D. BENNETT, 0000
RONALD J. C. BENT, 0000
DENNIS R. BERRY, JR., 0000
JAY T. BILADEAU, 0000
MICHAEL C. BOBINGER, 0000
FERDINAND BOCACHICA, 0000
NORMAN L. BOLGER, 0000
WESLEY E. BOMYEA, 0000
ANTONIO B. BONNER, 0000
ANTHONY F. BOOKHART, 0000
RANDALL L. BOUGHTON, 0000
ALAN R. BRADLEY, 0000
MARK E. BRANHAM, 0000
PAUL H. BREDLAU, 0000
DANIEL A. BRINSON, 0000
PHILLIP K. BRIZZEE, 0000
GERARD T. BROSNAN, 0000
BARRY J. BROWN, 0000
ROBERT L. BROWN, 0000
STEVEN E. BURKE, 0000
BRIAN S. BURNS, 0000
COY B. BYINGTON, 0000
FUNDY A. CARABALLO, 0000
CHARLES K. CARL, 0000
FRANKLIN R. CHAMBERS, 0000
WALTER C. CHANEY IV, 0000
MICHAEL A. CLEVELAND, 0000
JASON CLOTFELTER, 0000
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TED J. COOPER, 0000
JOHN J. COYNE, 0000
TIMOTHY D. CRONK, 0000
JAMES W. CROOKHAM, 0000
RICHARD K. CROUSE, 0000
APRIL T. CROWELL, 0000
JOSEPH P. CUMMINGS, 0000
PETER M. CYR, 0000
WILLIAM L. DAVENPORT, 0000
FRANK S. DEVENUTO, 0000
JOHN J. DRENNEN, JR., 0000
MARK J. DUARTE, 0000
ROBERT J. DUPREE, 0000
EUGENE F. EARHART, 0000
RODGER N. ELKINS, 0000
HENRY FAMULARO, 0000
KENNETH A. FAULKNER, SR., 0000
JOHN K. FERGUSON, 0000
STEPHEN J. FORREST, 0000
THEODORE A. FROELICH, 0000
GARY B. FROST, 0000
BRIAN H. GAINES, 0000
WAYNE T. GALBRAITH, 0000
CHRISTOPHER N. GILBERT, 0000
JEROME H. GIRDLESTONE, 0000
THOMAS M. GOREY III, 0000
JEFFREY D. GRISHAM, 0000
HOWARD D. GUBBS, 0000
RONALD P. GUSTIN, 0000
JAMES B. HADLEY, 0000
CHARLES A. HALL, 0000
JAMES L. HARRELL, JR., 0000
RANDELL R. HARRIS, 0000
CHARLES E. HARRISON, 0000
ARTHUR E. HARVEY, 0000
HARRY A. HAVERKAMP, 0000
DONALD R. HENDREN, JR., 0000
DAMON K. HILTON, 0000
CHARLES R. HOAGLAND, JR., 0000
LESTER L. HOOD, JR., 0000
ALVIN M. HOPKINS, 0000
EDWARD E. HUNTER, 0000
ROBERT J. HYDE, 0000
RICHARD L. IVEY, 0000
RENEE JARVIS, 0000
BARRY D. JONES, 0000
MICHAEL A. JULCH, 0000
WILLIAM J. KAELBER, 0000
TIMOTHY F. KALVODA, 0000
BRIAN T. KENNEY, 0000
SUNG H. KIM, 0000
GLENN E. LAGGNER, 0000
JAMES G. LANGSTON, 0000
HERVE M. LARA, 0000
TIMOTHY P. LAWLOR, 0000
MILTON J. LOCKLEY, 0000
ALLAN J. LUCAS, 0000
BRADLEY S. MAKI, 0000
SCOTT A. MANN, 0000
DEBORAH A. MASON, 0000
DARREN L. MCFALL, 0000
JEFFREY D. MCFALL, 0000
MICHAEL J. MCGINN, JR., 0000
TENA L. MCKAY, 0000
THOMAS P. MCKEAN, 0000
ANDREW J. MCMENAMIN, 0000
KURT F. MELANGE, 0000
JOSEPH R. MILLER, 0000
RAFAEL MONELL, 0000
JAMES R. MOSS, 0000
MARK A. MUKANOS, 0000
HOWARD W. MUNIZ, 0000
GLENN D. MURPHY, 0000
RICHARD D. NEWTON, 0000
DANNY L. NOLES, 0000
GREGORY A. NORFLEET, 0000
JOYCE J. NYHAUG, 0000
ALVIN OGLETREE, 0000
SANTIAGO ORTIZ, JR., 0000
ALLEN D. OVERSTREET, 0000
STEVE PADRON, 0000
BRIAN K. PATTERSON, 0000
RONALD K. PAYTON, 0000
WILLIAM D. PEACH, 0000
ANDREW W. PELTON, 0000
KARL E. PERCY, 0000
JON R. PHILLIPS, 0000
KEVIN J. PHILLIPS, 0000
EDUARDO RAMIREZ, 0000
KEVIN S. RAYMER, 0000
DENNIS L. REYNOLDS, 0000
ALBERT C. RICHMOND, 0000
TERRY L. ROBBINS, 0000
CHARLES A. ROBERTS, 0000
JUAN B. RODRIGUEZ, 0000
ALONZA ROSS, JR., 0000
KEITH J. ROWE, 0000
EDWARD T. RUSSELL, JR., 0000
SCOTT D. RUSSELL, 0000
JOHN M. SAIA, JR., 0000
MICHAEL L. SCHAEFFNER, 0000
KATHERINE A. SCHNEIRLA, 0000
DAVID B. SHANER, 0000
WILLIAM D. SHANLEY, 0000
ESSIX SHANNON II, 0000
RANDALL E. SHAW, 0000
JAMES D. SHELTON, 0000
RICHARD A. SHEPHERD, 0000
RICHARD S. SHERMAN, 0000
CHRISTOPHER S. SLAGLE, 0000
VINCENT E. SMITH, 0000
KEVIN R. SONCRANT, 0000
AARON W. STACY, 0000
GREGORY W. STARKEY, 0000
FRED T. STAUBS, JR., 0000
ALBERT W. STIMMELL, 0000
ROBERT E. STRICKLAN, 0000
JOSHUA L. STRIKER, 0000
WILLIAM J. SUMMERER, 0000
MICHAEL K. SUTORUS, 0000
MICHAEL C. THIBODEAU, 0000
BRIAN O. WALDEN, 0000
JAMES T. WARBURTON, 0000
TERRILL T. WATKINS, 0000
MATT A. WELLS, 0000
ROBERT A. WESTHEAD, 0000
MAX J. WILDERMUTH, 0000
DARRYL T. WILLIAMS, 0000
GWENDOLYN WILLIS, 0000
JEFFREY W. WILLIS, 0000
TIMOTHY J. ZINCK, 0000

To be lieutenant (junior grade)

WILLIAM P. ALLEN, 0000
RICHARD H. BAILEY, JR., 0000
WILLIAM K. BANE, 0000
SCOTT M. BANNACH, 0000
RICKY A. BEATTY, 0000
BOBBY J. BECK, 0000
LISA M. BECOAT, 0000
ANGEL BELLIDO, 0000
DENNIS K. BENCH, 0000
TIMOTHY J. BERGAN, 0000
JIMMIE W. BRUCE, 0000
TIM P. BRUNDLE, 0000
BRADLEY J. CARDWELL, 0000
JEAN S. CARRILLO, 0000
TIMOTHY A. CARTER, 0000
DAVID D. COMER, 0000
ANTHONY L. CRAIGHEAD, 0000
ERNEST D. CULBREATH, 0000
TROY J. CZEMERYS, 0000
MAC W. DIEHL, 0000
DIANNE M. DORRIS, 0000
PAUL A. DOSEN, 0000
BRYAN K. DUFFEY, 0000
THOMAS C. ENGLAND, 0000
FELIX J. ESTRADA, 0000
KATHRYNN R. FESTA, 0000
SEAN I. FISCHER, 0000
MICHAEL S. FOWLER, 0000
CLARENCE FRANKLIN, JR., 0000
CARMEN P. GASTON, 0000
WILLIAM A. GILBERT III, 0000
SCOTT A. GOBAR, 0000
DAMIAN D. GOMEZ, 0000
MAXINE GOODRIDGE, 0000
TERRY E. GRAHAM, 0000
JEFFREY R. HARMON, 0000
WILBUR L. HARMON, JR., 0000
ANTHONY L. HARRIS, 0000
PAUL B. HASLEY, 0000
STERLING B. HAWKINS, 0000
DONALD C. HENDRIX, JR., 0000
WILLIAM C. HESTER, JR., 0000
RIKI M. HILTON, 0000
DAVID G. HIRLINGER, 0000
PAUL M. HLOUSEK, 0000
DOUGLAS D. HOFFMAN, 0000
SCOTT G. HUNTER, 0000
STEPHEN A. JIRAN, 0000
JIMMIE L. JONES, 0000
BARNEY R. KASSMAN, 0000
KENNETH A. KASZA, 0000
DOUGLAS M. KENT II, 0000
KEN A. KOCH, 0000
DAVID L. KOON, 0000
ALFRED J. LAICER, JR., 0000
ANDY J. LANCASTER, 0000
TIMOTHY M. LEDBETTER, 0000
STEPHEN D. LEWIS, 0000
CLIFFTON J. LINES, 0000
WILLIAM O. LOCK III, 0000
JOSEPH L. LONGWELL, 0000
GREGORY C. LUDWIG, 0000
KENNETH C. LYNCH, JR., 0000
HERBERT MARSHALL, JR., 0000
SIMON L. MARTIN, 0000
RENATO D. MARTINEZ, 0000
STEVEN D. MAXWELL, 0000
TINA M. MCHARGUE, 0000
ROY W. MCKAY, 0000
LEROY MCKINNEY, JR., 0000
GREGORY R. MENARD, 0000
NICHOLAS P. MILANO, 0000
GREGORY D. MOCK, 0000
DENNIS R. MOHR, 0000
JEFFREY B. MONTGOMERY, 0000
BARBARA A. MYERS, 0000
PAUL NIX, JR., 0000
DANIEL A. OLVERA, 0000
CARL R. PATTERSON, 0000
STEPHEN J. PAYSEUR, 0000
KEVIN M. PETTIT, 0000
FREDERICK POLANEC, JR., 0000
CALVIN E. PONTON, 0000
ROBERT R. POWELL, 0000
WARREN L. RABERN, 0000
SCOTT A. RAYBURN, 0000
VICTOR M. RIVERAS, 0000
RAUL RODRIGUEZ, 0000
ANTHONY D. ROPER, 0000
BRIAN K. ROTTNEK, 0000
KEVIN W. RUBEL, 0000
AMBER R. RYAN, 0000
JULIAN E. SALLAS, 0000
DAVID W. SCHMIDT, 0000
PAUL N. SHIELDS, 0000
CHARLES E. SMITH, 0000
KEVIN L. SMITH, 0000
RAYMOND C. SPEARS, 0000
JOHN W. STEFAN, 0000
WILLIAM P. STEPANIAK, 0000
ARRON R. STERLING, 0000
BARRY O. STOWELL, 0000
GARNAR A. SUTTON, 0000
MICHAEL SWANSON, 0000
PHILLIP F. SZUBA, 0000
KERRY P. TILTON, 0000
JOHN F. TROYANOS, 0000
EDGAR S. TWINING II, 0000
JERIT L. VANAUKER, JR., 0000
KEITH J. VENGLAR, 0000
RONALD L. WALKER, 0000
VINCENT U. WEBSTER, 0000
MARK D. WESTBROOK, 0000
JACK V. WRBANICH, 0000
KIRK M. YOUNG II, 0000
KENDAL T. ZAMZOW, 0000
DANIEL L. ZIMMER, 0000

EXTENSIONS OF REMARKS

INTRODUCTION OF A BILL ON THE ENHANCEMENT OF HIGHER EDUCATION IN ALASKA THROUGH A FEDERAL LAND GRANT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation to provide for the continuance of higher education in the State of Alaska by conveying certain public lands in the State to the University of Alaska system.

This bill is not a new idea: it follows on and honors a commitment Congress first made in 1915 when the then-territory was promised a generous land grant for higher education, but due to circumstances outside Alaska's control, was never completed. As a result, the largest state has the second lowest Federal land grant of all land grant institutions nationwide even though Congress intended each state to acquire a large grant for its higher education needs.

The legislation I introduce today rectifies this gross oversight and puts Alaska's premier university on equal footing with other land grant institutions. This is only fair for a State with over 240 million acres of land owned by the Federal Government and most of that locked away from any development.

The history behind this issue begins in 1915 when Congress reserved about 268,000 acres of public domain for the Alaska Agricultural College and School of Mines (the former name of the University of Alaska). However, barely any land had been surveyed at that time, and only a fraction could be transferred. In 1958, the Alaska Statehood Act eliminated the original 1915 grant, with no clear, historical record explaining why. Alaska's university land grant today stands at only 112,000 acres in total. If the same formula for granting lands were used as in some other states, Alaska could have received five million acres.

A Federal land grant is vital to the future of higher education in Alaska. I believe its most important role is to make a top-tier educational opportunity available to those who otherwise must travel hundreds, even thousands of miles to the lower 48 States for college. I don't want to see this role compromised because the university is not on an equal footing with its competitors in the lower 48 States.

The legislation introduced today will provide to the university system a grant of 250,000 acres of Federal land, and up to 250,000 acres more on an acre-for-acre matching basis with the State. The University may not select lands in national parks, refuges, wilderness areas, wild and scenic rivers, or specific areas of the national forest system. Thus, those lands open to selection are those which Congress, as ANILCA declares, are "necessary and appropriate for more intensive use and disposition . . ."

This bill also benefits the national conservation areas in Alaska. It conditions the Federal grant on the university's relinquishment of 13,900 acres of inholdings surrounded by national parks, refuges and wildernesses. The relinquished lands will be added to the units in which they are located.

At its core, this in an education bill. By providing a land base with which to derive resources for the future, Alaskans will continue to receive the fruits of our university system without having to travel outside the State to colleges which were granted their full land entitlements.

REPORT FROM PENNSYLVANIA

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. TOOMEY. Mr. Speaker, I rise today to deliver my Report from Pennsylvania. Today, I would like to share with my colleagues and the American people the remarkable efforts of an individual in our community.

All across the Lehigh Valley, my wife, Kris, and I meet so many wonderful people. We learn of and hear about amazing individuals who strive day and night to make our communities better places to live.

I like to call these individuals Lehigh Valley Heroes. Lehigh Valley Heroes make a difference by helping their friends and neighbors.

Today I would like to honor a man whose volunteerism makes a difference in the lives of a number of veterans in our communities. Leonard E. Shupp, a retired Army Colonel, has been giving his time and services to veterans in the Lehigh valley area for the past thirty years.

A veteran of World War II, Mr. Shupp has been decorated with a number of the nation's highest honors—the Purple Heart and the Bronze Star—along with ten other decorations.

Aside from his heroics during the war, today he is still active with a number of veterans' organizations. To name a few, he has been a volunteer chaplain of the Indiantown Gap National Cemetery Memorial Council for the last thirty years, and has been a volunteer chaplain in the retirement services office of the Tolsyhanna Army Depot for the past ten years. Also, over the past decade, he has served as a volunteer consultant to the Director of Veteran's Affairs in Lehigh County.

On top of his numerous volunteer activities in veterans' affairs, Mr. Shupp has been a licensed minister of the United Church of Christ. And has since March 1998, become a member of the Faith Lutheran Church in Whitehall as a volunteer pastor.

Mr. Speaker, for these reasons I would like to recognize Mr. Leonard Shupp, of Whitehall, Pennsylvania, as a Lehigh Valley Hero. Through his activism, he has truly made a difference in the lives of members of our community, and for this I commend him.

This concludes my Report from Pennsylvania.

A TRIBUTE TO DR. TERRY A. STRAETER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. CUNNINGHAM. Mr. Speaker, it is a distinct honor for me to pay tribute to Dr. Terry A. Straeter, an individual who is universally recognized as one of the most talented and innovative men in the field of defense aerospace and intelligence. Dr. Straeter is retiring following an illustrious career spanning over 30 years. He does so with the gratitude and appreciation of a nation that is more secure as a result of his work. And while the Nation has been fortunate to reap the benefit of Dr. Straeter's work, I have been even more fortunate in being able to call Terry a true friend.

Dr. Straeter's personal and professional accomplishments reflect a selfish dedication to improving the national security of this country. He distinguished himself through his work in a wide range of national intelligence systems. Specifically, Dr. Straeter was instrumental in the development of digital avionics and spacecraft at NASA's Langley Research Center. In addition, he was recognized for the work he did in digital mapping, exploitation, targeting, and archiving systems. While working for the Defense Mapping Agency, Dr. Straeter led an exceptional team of engineers which developed digital production systems which have become the baseline for the evolution of our nation's imagery intelligence capabilities.

Dr. Straeter's leadership and technical expertise were key in the development of the current generation of low-observable aircraft auto-routing systems—a capability which contributed significantly to the development of stealth technology in this country. He later developed a technology which significantly improved both the speed and accuracy of image extraction that directly improved our Government's digital map production. He also developed a commercial version of this solution that is currently used by more than 50 countries around the world.

Dr. Straeter's enormous talent, his keen insight and penchant for creative thinking made him a highly desired advisor. He served as a member of the Senate Select Committee for Intelligence's Technical Advisory Group, Chairman of the Board of Directors for the Security Affairs Support Association, an active contributor to the Defense Science Board, as well as a corporate leader of the highest standing. A recipient of the Intelligence Community Seal Medallion, Dr. Straeter is a national asset who is admired and respected by all who know him.

I know I speak for a grateful nation in wishing Dr. Terry Straeter the very best as he begins a new chapter in his long, distinguished career.

CHINA NEEDS TO JOIN THE WORLD TRADE ORGANIZATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. BEREUTER. Mr. Speaker, many of us were hoping that progress could be made on a United States-China agreement for China's accession to the World Trade Organization [WTO] at the recent mini-summit meeting between President Clinton and Chinese President Jiang in Auckland, New Zealand. With the new WTO round beginning in Seattle, Washington, at the end of November, the time left to reach an agreement, and for China to join the WTO at the Seattle ministerial meeting, has almost run out. China needs to be in the WTO. And, China's accession to the WTO is in the short and long term interests of the United States and all the developed countries who are members of the WTO. Accordingly, this Member recommends the following editorial from the Wednesday, September 15, 1999, Journal of Commerce which comments on the Clinton-Jiang meeting and makes a strong case for China and Taiwan's accession to the WTO.

[From the Journal of Commerce, September 15, 1999]

CLINTON AND JIANG MEET

The rhetoric was typically overblown, but the idea that Sino-American relations are moving back to what passes for normal is a cause for some relief.

A minisummit between Presidents Clinton and Jiang ''opened up a new chapter for Sino-U.S. relations,'' enthused one high-ranking U.S. official after their private session during the Asia-Pacific Economic Cooperation forum gathering in New Zealand last weekend. ''The summit is significant,'' proclaimed Secretary of State Madeleine Albright, who had her own session with Chinese Vice Premier (and former foreign minister) Qian Qichen along with Samuel Berger, Clinton's national security adviser.

Relations between the United States and China are important, both for trade and economic reasons and for military and strategic ones. They go through regular if unhelpfully exaggerated turmoil over such things as Taiwan, intellectual property and market access and were badly bruised by the bombing of the Chinese Embassy in Belgrade.

Chinese outrage was fully understandable and its inherent suspicion of ''mistakes'' fueled an age-old xenophobia. Nobody benefits from that kind of inward-focused China.

Many of the strains in Sino-American relations arise from the sort of everyday differences that a more mature and confident China would brush off (but keep around as a bargaining chip at some future time, as all powers do). For a country that claims the pioneering role in the art of diplomacy thousands of years ago, its mandarins often seem strangely given to flying off the handle.

In one of the more important unresolved issues—China's membership in the World Trade Organization—both sides are at fault. The Clinton administration muffed a great opportunity during the April visit to the United States of Premier Zhu Rongji, who brought a surprisingly lengthy list of concessions and agreements designed to break the logjam. He was justifiably affronted by the rebuff.

Similarly, China did itself no good by sulking for months after the Belgrade bombing and then playing coy, suggesting that while it would be nice to join the club China could muddle through perfectly well on the outside.

China patently needs the WTO, and the United States, European Union and the rest of the trading world need it as a member. The talks have dragged on for 13 years.

Foreign investment, the spur to China's remarkable economic growth in recent years, is declining. This is partly due to the economic typhoon that swept Asia the past two years, but also partly due to China's failure to cut red tape sufficiently and to corral provincial and even municipal bureaucracies fond of making their own rules. Investors have plenty of good places to go and will go where they feel most welcome.

China has cut its tariff levels more deeply and widely than any other big trading country, by as much as 50% in some areas; the terms it offered were more generous than those of many existing WTO members, such as India. Beijing still dawdles for spurious reasons on opening financial services fully—especially insurance—but must be given credit for what it has done.

The best way to get closer adherence to global rules is to invite China into the game. The EU, previously also firm in demanding more concessions before entry, long ago accepted that enough was in place that the nitpicking should stop.

Beyond the immediate issue lies that of Taiwan. By common if misguided agreement, the dynamic little island won't be allowed into the WTO until China gains entry. Never mind that Taiwan has gone well beyond China and many other countries in tidying up its trade behavior. Such is realpolitik, but Taiwan deservedly gets a lot of good press.

When Taiwan President Lee Ten-hui spoke of wanting relations between the island and the mainland on a state-to-state basis, he may have been injudicious and he must have known that Beijing would yelp. But the truth is that Taiwan is the world's 14th-largest trading nation, has its third-largest hard currency reserves and few people outside China swallow Beijing's fiction that Taiwan is a wayward province subject for eternity to the risk of Chinese armed intervention.

The think tanks and professors are free to debate the nuances of such things in their ivory towers for as long as it amuses them. The real world needs China and Taiwan in the WTO now. Clinton knows it, and he should make it happen.

HONORING JOHN BOLAND FOR HIS EFFORTS ON BEHALF OF THE QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to honor John Boland of Pomfret, Connecticut for his tireless and successful efforts to develop and grow the Quinebaug and Shetucket Rivers Valley National Heritage Corridor. As residents across eastern Connecticut mark the fifth anniversary of the establishment of the Corridor, John Boland deserves much of the credit for the success we all celebrate.

John was one of the leaders of a small group of citizens from eastern Connecticut who came together in the late 1980s with an idea to preserve and promote the natural, cultural and historic resources of the region. The group also wanted to follow an approach that would center on the major rivers in the area—the Quinebaug in the east and the Shetucket in the west—because they are intertwined with that history, with a way of life. As an avid canoeist, John also appreciated the recreational potential the rivers offered as well as the many obstacles to public access and greater enjoyment of these resources. After much research and widespread public discussion, the group embraced an innovative and largely experimental concept—the National Heritage Corridor.

In 1988, John and others formed the Quinebaug and Shetucket Rivers National Heritage Corridor Committee to expand public awareness about the concept and to work in support of formally designating the Corridor. I am proud to have worked with John, who served as Chairman of the Committee, and so many others across the region to develop and introduce legislation in the House to achieve this goal. In the fall of 1994, years of hard work and persistence paid off as Congress passed and the President signed the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act.

Following enactment of the bill, John continued to take a leadership role in transforming the Corridor from a concept into reality. He helped to develop the framework of the nonprofit corporation—Quinebaug-Shetucket Heritage Corridor, Inc.—which currently manages the Corridor. He served as first Chairman of its Board of Directors and continues to be actively involved in many Corridor projects.

Mr. Speaker, the success of the Quinebaug and Shetucket National Heritage Corridor is the result of the efforts of countless residents from across eastern Connecticut. However, like so many other successful initiatives, a few people play critical leadership roles. John Boland has been this type of leader. His vision and hard work have been crucial to making the Corridor a reality. I join citizens from across eastern Connecticut in saying—thank you John.

WILLIE MACK (1927–1999)—A LIFE WITH INTENT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. CLAY. Mr. Speaker, I rise today to acknowledge the death of and to celebrate the remarkable life of a personal friend and political ally, Willie Mack. For almost 40 years, ''Whisper'' as he was affectionately called, was by my side in the many struggles for political equity and a voice in the affairs of governance for the African-American community in St. Louis. In the early days, when I was leading the effort to build an effective political organization, Willie ''Whisper'' Mack was prominently present. He was my right hand, my trusted confidant in every hard fought, exciting political campaign.

Mr. Speaker, I met ''Whisper'' one year after my first election to the St. Louis Board of Aldermen in 1959. In 1960, I was campaign manager for Norman Seay who was seeking to be the Democratic committeeman in that

26th Ward. Seay had successfully run my campaign for Alderman the previous year. Seay's opponent had gone about the business of lining up the so-called corner boys, those who frequented the taverns, pool rooms and barber shops. One of his most effective recruits was Willie Mack. Mack owned a barber shop and had hundreds of hero worshipers who followed his lead. The story goes that the nickname was tagged on him when, as a young gang participant, he was thrown into a pool of cold water in the middle of the winter by an opposite gang faction. As a result, he temporarily lost his voice for several months

But as those election returns bear out, speaking in subdued tones, ''Whisper'' knew how to work a precinct. Seay's opponent won his precinct by a margin of 2 to 1 (only one of two precincts won by him).

Much credit for ''Whisper'' political acumen goes to his wife, Jackie. They made the perfect political combination. He influenced the street people. She was loved by the home owners in the neighborhood.

After the election—which Seay won by 600 votes—I sought out ''Whisper'' and persuaded him to join our organization. From that day forward our friendship developed and expanded.

Mr. Speaker, few people lived life with the enthusiasm, determination and gusto as Willie Mack. He lived every day with the intent to do something for someone else. He lived everyday with the intent to give something back to family, friends and community. He will be remembered as a giver. He gave the fullest to his fellow man. His intent was to establish, through political activism, a more perfect union between society and those citizens denied the benefits of first-class citizenship. The many people whose lives he touched and they in turn enhanced his—is a testament to his endearing respect for humanity.

Carol and I were deeply saddened by Whisper's passing. He was indeed an uncommon man with a phenomenal affect on those who graced his presence. To us, Whisper was something dear, something special, something beautiful, something precious. There were no tears for Carol and me when we heard of his departure because we were not agonizing his death but rather celebrating the privilege of having looked upon this towering, incredible individual, if only for a fleeting moment.

REPORT FROM PENNSYLVANIA

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania for my colleagues and the American people.

All across Pennsylvania's 15th Congressional District there are some amazing people who do good things to make our communities a better place. These are individuals of all ages who truly make a difference and help others.

I like to call these individuals Lehigh Valley Heroes for their good deeds and efforts.

Today I would like to recognize Mr. Harold Seibert, a retired fireman who's respect and dedication to his job led him to compile a 175-year anniversary book for the Allentown Fire Department, an invaluable document for future firemen of the community.

Harold Seibert is a commendable member of our community—not only for his documentary, but also for his heroism—having been decorated five times for saving lives during his 24 years as a firefighter.

Today, I would like to recognize Mr. Seibert, of Allentown, PA, for his hard work and dedication. He is creating a legacy for the Allentown community and I commend him on his efforts.

INTRODUCTION OF THE SHARK CONSERVATION AND FINNING PROHIBITION RESOLUTION

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. CUNNINGHAM. Mr. Speaker, it is time for the United States to ban the wasteful, unsportsmanlike and destructive practice of shark finning.

Shark finning is the removal of a shark's fins, which represent just one to five percent of its body weight, and discarding its carcass into the sea. The waste associated with this practice is horrific. The public outcry to halt it was an important factor in the National Marine Fisheries Service's (NMFS) decision to ban shark finning in federal waters of the U.S. Atlantic, Gulf of Mexico and Caribbean. I had thought that NMFS had prohibited this practice in all waters of the United States.

To my surprise and dismay, it was recently brought to my attention that shark finning is occurring in the U.S. Pacific, and increasing at an alarming rate. Between 1991 and 1998, there was a 20-fold increase in shark finning by U.S. longline vessels in the Central and Western Pacific. There are no regulations in place to stem further growth of this terrible practice.

According to NMFS, in the Central and Western Pacific fishery, the number of sharks finned rose from 2,289 in 1991 to 60,857 in 1998. The most troubling fact about this increase in the number of sharks killed is that 98.7%, or 60,085 of the 60,857, of the sharks taken in 1998 were killed just for their fins.

The NMFS has gone on record with the Western Pacific Regional Fishery Management Council (WestPac) expressing its view that finning is wasteful and must be stopped. Unfortunately, WestPac has balked and NMFS has failed to step forward and stop this terrible practice. It is my belief, and those of any responsible outdoorsman, that the waste associated with discarding 95 to 99% of 60,000 animals annually is intolerable.

With the support of my colleague, Fisheries Subcommittee Chairman JIM SAXTON, and the conservation and sportfishing communities, I am introducing two pieces of legislation to remedy this situation.

Today, I am sponsoring a resolution expressing the sense of Congress that we disagree with the Western Pacific Regional Fishery Management Council's and NMFS failure to halt shark finning, while urging that Council to prohibit the practice immediately.

Later this year, I will be introducing legislation to amend the Magnuson-Stevens Act by adding the practice of shark finning to the list of actions prohibited in all waters of the United States.

I hope my colleagues on both sides of the aisle will join me by cosponsoring this important resolution. For the record, I have attached a letter of support from the Ocean Wildlife Campaign, a coalition that includes the Center for Marine Conservation, National Audubon Society, National Coalition for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and the World Wildlife Fund. In addition, I have attached separate letters of support from the American Sportfishing Association and the Center for Marine Conservation. Our prompt action is critical to ensure that we will halt the rampant waste resulting from shark finning.

AMERICAN SPORTFISHING ASSOCIATION,
Alexandria, VA, September 23, 1999.

Hon. RANDY ''DUKE'' CUNNINGHAM,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: On behalf of the nearly 500 members of the American Sportfishing Association, I wish to express my strong support for your resolution to ban the wasteful practice of shark finning. I commend your initiative in tackling this important, yet easily dismissed issue.

For far too long, we have neglected to take action to stop this most unsportsmanlike fishing activity. We now know that the best shark is not a dead shark; that these oft maligned fish play critical roles in preserving balance in the marine ecosystem. Healthy shark populations help maintain robust fisheries. Your effort to ban finning will not only benefit depressed shark populations, but many other species of commercially and recreationally important fish.

Thank you for your leadership in this area.

Sincerely,

MIKE HAYDEN,
President/CEO.

OCEAN WILDLIFE CAMPAIGN,
Washington, DC, September 22, 1999.

Hon. RANDY CUNNINGHAM,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: We are writing to express serious concern regarding the management and health of shark populations in U.S. Pacific waters, specifically in areas under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). Driven by the international demand for shark fin soup, the practice of shark finning—cutting of a shark's fins and discarding its carcass back into the ocean—is a rapidly growing problem that is directly responsible for huge increases in the number of sharks killed annually and appalling waste of this nation's living marine resources. The National Marine Fisheries Service has prohibited shark finning in the U.S. Atlantic, Gulf of Mexico, and Caribbean. It is time to ban finning in the Pacific.

Between 1991 and 1998, the number of sharks ''retained'' by the Hawaii-based swordfish and tuna longline fleet jumped from 2,289 to 60,857 annually. In 1998, over 98 percent of these sharks were killed for their fins to meet the demand for shark fin soup. Because shark fins typically comprise only one to five percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste: Sharks are particularly vulnerable to overfishing because of their ''life history characteristics''—slow growth, late sexual maturity, and the production of few young. Once depleted, a population may take decades to recover.

The National Marine Fisheries Service, conservationists, fishermen, scientists, and the public have pressured WESPAC to end the practice of shark finning. Nevertheless,

WESPAC and the State of Hawaii recently failed to take action to end or control finning.

This issue of shark finning is characterized by a dangerous lack of management, rampant waste, and egregious inconsistencies with U.S. domestic and international policy stances. It is the most visible symptom of a larger problem: a lack of comprehensive management for sharks in U.S. Pacific waters. The history of poorly or unmanaged shark fisheries around the world is unequivocal: rapid decline followed by collapse. Sharks are not managed in U.S. Central and Western Pacific waters, and with increased fishing pressure there may be rapidly growing problems.

We urge your office to take whatever action is necessary to immediately end the destructive practice of shark finning in U.S. waters and encourage WESPAC to develop a comprehensive fishery management plan for sharks that will, among other things: 1. Immediately prohibit the finning of sharks; 2. Immediately reduce shark mortality levels by requiring the live release of all bycatch or ''incidentally caught'' animals brought to the boat alive; 3. Immediately reduce the bycatch of sharks; 4. Prevent overfishing by quickly establishing precautionary commercial and recreational quotas for sharks until a final comprehensive management plan is adopted that ensures the future health of the population. Given the dramatic increase in the number of sharks killed in the Hawaiian longline fishery, WESPAC should cap shark mortality at 1994 levels as a minimum interim action, pending the outcome of new population assessments.

Thank you for your attention to this urgent matter.

DAVID WILMOT, Ph.D.,
Ocean Wildlife Campaign.
CARL SAFINA, Ph.D.,
National Audubon Society.
LISA SPEER,
Natural Resources Defense Council.
TOM GRASSO,
World Wildlife Fund.
SONJA FORDHAM,
Center for Marine Conservation.
KEN HINMAN,
National Coalition for Marine Conservation.
ELLEN PIKITCH, Ph.D.,
Wildlife Conservation Society.

CENTER FOR MARINE CONSERVATION,
Washington, DC, September 22, 1999.

Hon. RANDY CUNNINGHAM,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: On behalf of the Center for Marine Conservation (CMC), I am writing to express our grave concern for Pacific sharks, specifically those under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). High demand for shark fin soup has driven a dramatic surge in shark finning (the practice of slicing off a shark's valuable fins and discarding the body at sea) by the Hawaiian longline fleet. This appalling waste of America's public marine resources is tied to alarming yet unrestricted increases in mortality of some of the ocean's most biologically vulnerable fish.

Shark conservation has long been a key element of CMC's fisheries program due in large part to the life history characteristics that leave sharks exceptionally susceptible to overfishing. In general, sharks grow slowly, mature late and produce a small number of young. Once depleted, shark populations often require decades to recover. In the U.S. Atlantic, for example, several overfished shark stocks will require four decades to rebuild to healthy levels, even with strict fishing controls. Indeed, nearly every large scale shark fishery this century has ended in collapse.

Off Hawaii, the number of sharks killed and brought to the dock (landed) has increased by more than 2500 percent, skyrocketing from just 2,289 sharks in 1991 to 60,857 sharks in 1998. In 1998, over 98 percent of these sharks were killed solely for their fins. Considering that shark fins typically comprise only one to five percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste.

CMC has been calling upon Western Pacific fishery managers to restrict shark fisheries and ban finning for more than five years. More recently, similar demands have been made by many other national conservation organizations as well as local Hawaiian environmental and fishing groups, international scientific societies, concerned citizens, and several Department of Commerce high-ranking officials. A recent poll by Seaweb found that finning was among the ocean issues most disturbing to the American public. Nevertheless, WESPAC and the State of Hawaii have yet to take action to control finning or limit shark mortality.

Shark finning in particular runs counter not only to the will of the American public, to which these resources belong, but also to U.S. domestic and international policy as expressed in: The Sustaintable Fisheries Act (SFA); the Fishery Management Plan (FMP) for Sharks of the Atlantic Ocean; the United Nations Food and Agricultural Organization (FAO) Code of Conduct for Responsible Fisheries; and the FAO International Plan of Action for Sharks.

In addition, as you are likely aware, California is just one of many coastal states to ban finning within their waters.

In the U.S. Atlantic, the lucrative market for shark fins drove an intense fishery that led to severe depletion of several shark populations within less than ten years. Citing ''universal and strong support'' for a ban on finning on behalf of the non-fishing American public, the National Marine Fisheries Service (NMFS) banned the practice in U.S. Atlantic in 1993, stating that:

NMFS believes that finning is wasteful of valuable shark resources and poses a threat to attaining the conservation objectives of fishery management under the Magnuson Act.

This year, NMFS expanded the existing finning ban from the 39 regulated species to all sharks in the Atlantic while Department of Commerce officials have repeatedly, yet unsuccessfully, called upon WESPAC to halt finning.

In recent years, the United States has emerged as a world leader in crafting and promoting landmark, international agreements pertaining to sharks and continues to lead efforts to raise global awareness of their plight and special management needs. Yet, our inability to address an egregious finning problem within our own waters threatens to undermine the U.S. role in these important, international initiatives.

CMC asks for your assistance in ensuring an immediate end to the wasteful practice of finning, accompanied by a requirement that all incidentally-caught sharks brought to the boat alive be released alive. In addition, a comprehensive Pacific shark management plan that prevents overfishing and reduces bycatch is absolutely crucial to safeguarding these especially vulnerable animals; precautionary catch limits in the Western Pacific (no higher than 1994 mortality levels) are needed until such a plan is complete.

Thank you for your attention to this urgent matter.

Sincerely,

SONJA V. FORDHAM,
Fisheries Project Manager.

IN HONOR OF RETIRING MAYOR OF EASTPOINTE, HARVEY CURLEY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. BONIOR. Mr. Speaker, today I rise to honor one of my district's most beloved mayors, retiring City of Eastpointe Mayor Harvey Curley. Harvey is retiring after 23 years of holding elected office in Eastpointe.

Born in the small town of Minonok, Illinois, Harvey was first introduced to the public as the host of the Air Force Radio show ''Music to Dawn''. Upon his return from the military, he married Carole and settled in East Detroit, just as my family did, in the 1960's. A salesman by profession, Harvey was elected to the East Detroit School Board which became the foundation for his career at City Hall.

Harvey went on from his school board position to a brief two years on the East Detroit City Council, before being elected mayor in 1987. Harvey oversaw the city's name transition from East Detroit to Eastpointe. Balancing the city's old community roots with the younger generation's vision of the city's future proved no easy tasks. Under Harvey's guidance, the name change transition went smoothly and the city has gained a new sense of identity.

I have always looked forward to seeing Harvey at every event and civic function I have attended in Eastpointe, and plan on seeing him at many more. Though he may be retiring from office, Harvey will not be retiring from public life. While he will be missed at City Hall, he will continue to be an active part of the community he loves. He will surely remain active in his Baptist Church planning pancake breakfasts and working with the choir. Harvey will remain a friend of the city, either through the youth sports program at the new City Recreation Center or at the Eastpointe Senior Center, both of which he helped create.

Harvey Curley's tenure as mayor has seen Eastpointe through the decade of the 90's and he leaves the city well prepared for the coming century. Please join me in wishing Harvey and his lovely wife, Carole, a relaxing and enjoyable retirement.

TRIBUTE TO TEMPLE B'NAI SHOLOM IN HUNTSVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to an institution in my district that has contributed substantially to the cultural, intellectual and religious enrichment of North Alabama, Temple B'nai Sholom. On November 12, the Congregation B'nai Sholom will

commemorate the 100th anniversary of the dedication of its historic synagogue with a special Shabbat (Sabbath) service.

Thirty-two families came together in 1876 in Huntsville to form the Congregation and mobilized, dedicating their synagogue in 1899. I am proud to relay that Temple B'nai Sholom is the oldest synagogue in Alabama in continuous use. The Temple is also the only congregation affiliated with the Reform Movement in North Alabama and South Central Tennessee.

B'nai Sholom (''Sons of Peace''), the chosen name of the Temple, communicates the congregation's commitment to harmony and reconciliation. Temple B'nai Sholom has given to their community in countless ways. As members of the Interfaith Mission Service, the Temple contributes to the cause of religious tolerance in North Alabama. The Sisterhood of Temple B'nai Sholom should be commended for their efforts to raise money for breast cancer awareness and health initiatives through their design and sale of the L'Chaim pins. The Sisterhood designed the L'Chaim pin to symbolize Jewish support for breast cancer victims and survivors.

For a century, the Temple B'nai Sholom's commitment to the reform tradition has bolstered the religious community of North Alabama. Their established presence in downtown Huntsville is a testament to their perseverance and good will. I congratulate the Temple B'nai Sholom, and wish the Congregation a special centennial commemoration.

TRIBUTE TO REVEREND ROBERT NELSON, JR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a man who during his 19 years, has made many outstanding contributions to his community, Reverend Robert Nelson, Jr. Reverend Nelson, Jr. has served as pastor of Bethel A.M.E. Church West Memphis, Arkansas for 19 years. Through his ministry at Bethel, he has been able to establish the Bethel Christian Outreach Center which aides the people of the community with substance abuse problems. He also administers the Bethel Learning Academy, a childcare facility setup to target high school drop outs, low to moderate income families and children with special needs.

Along with his work for the church and the community, Reverend Nelson, Jr. also served his country. He is a three year army veteran who courageously fought in the Vietnam War. When he returned home from his service in Vietnam, he helped establish the Crosstown Fellowship in Crittenden County which holds services in the community every second Sunday. This ministry has helped several hundred families with housing and utilities expenses.

Reverend Robert Nelson, Jr. is the recipient of several awards such as the Arkansas Certificate of Merit for his outstanding service to the people of Arkansas while serving on the Governor's Arkansas Highway Safety Advisory Council. He has received several awards of appreciation from President Bill Clinton, Mayor Al Boals of West Memphis, the General Assembly, former Governor Guy Tucker, the NAACP and others.

Reverend Nelson is also a family man, who cherishes his family including his wife Mrs. Rita Wilson; four children, Marty Green, Ryan Nelson, Rashunda Nelson and Rachel Nelson; and two granddaughters, Renea Nelson and Raylyn Nelson.

When I think of someone we all should strive to be like, I think of Reverend Nelson. Through all his hard work for his country and his community and all the awards he has received, Reverend Nelson continues to be a wonderful, down to earth man who takes pride in his love of people and his love of God.

TRIBUTE TO HOWARD J. RUBENSTEIN ON THE 45TH ANNIVERSARY OF RUBENSTEIN ASSOCIATES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to the extraordinary talents and contributions of Howard J. Rubenstein. This evening, some two thousand government, civic, and corporate leaders will celebrate the 45th anniversary of Mr. Rubenstein's firm, Rubenstein Associates, Inc.

Howard Rubenstein has been dubbed by Newsweek Magazine as the ''Dean of Damage Control'', one of America's foremost public relations consultants. His clients constitute a cross section of influential individuals and organizations, from Disney/ABC to novelist Danielle Steel, from the New York Yankees to the Duchess of York. Rubenstein's brilliance, insights, and innovative strategies have earned him great respect in the United States and around the world.

Mr. Speaker, my profound admiration for Howard Rubenstein is a consequence not of his public relations skills, but rather of his passionate commitment to using his talents for the benefit of his community and his country. His public service has affected a sweeping range of civic and cultural priorities. Mr. Rubenstein is currently an advisor to the New York City Commission on the Status of Women, and he is a member of the City University of New York Business Advisory Board, the board of directors of the Center for Democracy, and the Inner-City Scholarship Fund of the Archdiocese of New York.

Howard has also served on the Mayor's Committee on Business & Economic Development for New York Mayors Abraham Beame, David Dinkins, and Rudolph Giuliani, and he is currently a trustee of the Alliance for the Arts, the March of Dimes New York Chapter, the Central Park Conservancy, and the Police Athletic League. In an era when business leaders all too often fail to demonstrate a devotion to the needs of our society, Howard Rubenstein's contributions stand as a model for all others.

Mr. Speaker, one particular episode stands out in my reflection upon Howard Rubenstein's service to his community. In 1991, the Brooklyn community of Crown Heights exploded in a chain reaction of violence, riots, and ever-mounting divisions between the area's African-American and Hasidic Jewish populations. These disputes divided the city and received national attention, emphasizing the difficulties of racial reconciliation. Responding to a request for his assistance from Mayor David Dinkins and other city leaders, Rubenstein undertook the difficult task of diffusing the tensions between African-Americans and Jews.

He organized a ''Peace Conference'' in Crown Heights, and then planned a special ''Neighbor to Neighbor'' event at the Apollo Theater in Harlem. More than 1,300 people—both Jews and African-Americans—viewed a showing of ''The Liberators,'' a film which depicts the liberation of Nazi concentration camps by African-American soldiers. The screening was broadcast live on New York television, while simultaneously 500 ''Neighbor to Neighbor'' meetings were held in homes and community centers around New York City to discuss race relations. Rubenstein's efforts were critical to restoring civility and understanding in Crown Heights, and I believe that they speak volumes about the character and commitment of this outstanding man.

Howard Rubenstein has come a long way since 1954, when he founded Rubenstein Associates, Inc., working on the kitchen table at his parents' home. In honor of the 45th anniversary of this event and in recognition of the outstanding contributions that he has made to his community and our country, I urge my colleagues to join me in extending warmest congratulations and our most sincere appreciation to Howard J. Rubenstein.

TRIBUTE TO STAPELEY IN GERMANTOWN

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Stapeley in Germantown, a Quaker sponsored retirement community, as it celebrates 95 years of service and commitment to the community. Founded in 1904 by Philadelphia philanthropist Anna T. Jeanes, its mission today reflects the vision of its founder, to create an ''abiding place, a refuge, a home''.

Stapeley is a full-service, accredited continuing care retirement community that welcomes residents and staff of all faiths, races, and cultural backgrounds.

In an atmosphere of harmony, equality, simplicity, integrity, and concern for community, Stapeley serves over 200 older persons and includes 42 independent living apartments and a 120-bed skilled nursing facility.

Stapeley continues to attract new residents because of its reputation as a tolerant, diverse, and affordable provider of quality care for seniors. In keeping with its mission to provide high quality, moderately priced care to its residents, the Stapeley Healthcare Center maintains a Medical Assistance census that is 76 percent. Among the community of Quaker retirement facilities, it is recognized for its commitment to individuals who have exhausted their personal assets.

In recognition of its years of service to one of the most vulnerable segments of our community, I join the New Stapeley as it celebrates its anniversary and the completion of renovations to one of its original and historic buildings.

TRIBUTE TO BRAD CURREY, JR.

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. OXLEY. Mr. Speaker, the strength of our republic lies in the participation of all people, exercising their individual liberty by making their voices heard. One person can make a difference that can benefit us all.

Congress is, and should be composed of 535 laymen. We each have expertise in something, but on the wide array of issues with which we deal, we need a lot more information, a lot of educating—or we can make some mistakes. The two concepts—one person making a difference, and Congress needing solid information on a wide variety of topics—are combined in the career of a man named Brad Currey, Jr.

Brad Currey retires at the end of this year as Chairman, President, and CEO of the Rock-Tenn Company in Norcross, Georgia. Brad always says that Rock-Tenn's value is based on the unique competence of its people; with those people, he built one of the country's largest manufacturers and converters of 100 percent recycled paperboard. Their products are all around us, but we rarely recognize them: cereal boxes, bookcovers, overnight express mail envelopes, and countless other items.

During his career with Rock-Tenn, Brad demonstrated why a ''special interest group'' is not necessarily a bad thing. He has helped Congress refine an important part of environmental policy, especially in the area of recycling. In doing so, he and his colleagues in the 100 percent paper recycling industry helped remind us of the broad power Congress has to affect the way business is done.

A few years back, we grappled with what was referred to at the time as the ''solid waste crisis.'' Legislation was introduced and considered in the Commerce Committee to help spur the recycling markets. We certainly did not know all that we needed to know about recycling, and few people in environmental organizations or the lobbying community had an expert background in it, either. Brad Currey recognized that the future of his paper recycling industry was about to be decided in Congress. He called on his industry colleagues, many of whom were owners and operators of small family-run recycled paper companies, and convinced them of the need to make their voice heard in the debate on solid waste and recycled issues. From that point, the story takes on a more ''inside Washington'' character: they chose a name for themselves, the Paper Recycling Coalition (PRC), and hired a consulting firm to guide them through the legislative and regulatory process.

Thanks to Brad and his colleagues, I have learned more about the recycled paper industry and its presence in Ohio and around the country. I have also learned more about the issues that affect them, and recognized that heir collective voice was valuable in crafting the nation's recycling policies. They created a more visible identity for the recycled paper industry, and they did it without arm-twisting or crass tactics. They did it with information.

From what I have heard from his friends, inserting the paper recycling industry in the policymaking process is just one of many Brad Currey accomplishments. As Brad gets ready to retire, I want to thank him for his guidance and assure him that he has made a difference—he has had a positive impact on the policy process. Like Brad, I hope others will see that they too can make a difference. One willing, dedicated person can have a positive influence on policies that benefit the nation as a whole. Operating forthrightly and with integrity, they can inform us, and help to make our policies sounder. That is an important contribution, and, perhaps, the most vital lesson Brad leaves behind. it is about the people. People like Brad Currey.

PERSONAL EXPLANATION

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. WEYGAND. Mr. Speaker, on Friday, September 24, 1999, I was not present for rollcall votes Nos. 444, 445, 446, and 447. Had I been present I would have voted ''aye'' on rollcall vote 444, ''aye'' on rollcall vote 445, ''no'' on rollcall vote 446, and ''aye'' on rollcall vote 447.

TRIBUTE TO ALLEN FUNT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor a man who with boundless energy and enthusiasm spread laughter throughout the nation with his long-running TV show ''Candid Camera.'' Allen Funt died at his home in Pebble Beach on September 5, 1999 at the age of 84.

Born on September 16, 1914 in New York, Allen attended Cornell University graduating with a bachelor of arts degree in fine arts. As an undergraduate student, Allen was a scholar of human nature and conducted psychology experiments which began his interest in people's reactions. Mr. Funt also worked as an assistant for an Eleanor Roosevelt radio show from which he began to engender ideas about combining spontaneous reactions of people with radio. During World War II, Allen was enlisted in the Army and served in the Army Signal Corps where he continued to study his idea about combining spontaneous reactions and radio as he experimented with location recording and concealment techniques. After leaving the Army, Allen founded ''Candid Microphone'' on ABC in 1948. In 1960, CBS picked up the show for a 7-year run and for the year 1960–1961 it was the seventh-best rated show in the nation. CBS now airs ''Candid Camera'' with Allen's son, Peter Funt, as the host.

For half a century Allen Funt loved to make people smile. He was a visionary who pioneered what has become an entire programming genre, but who also genuinely cared about people and appreciated the healing power of laughter. In the late 1960's, Allen donated his entire Candid Camera film library to the psychology department of his alma mater, Cornell University, in order to share his insights into the human psyche and his work with the students. After settling in the Monterey peninsula in 1978, Allen held fundraisers to support Carmel schools in the 1980's and donated ''Candid Camera'' tapes to hospitals and the homes of the terminally ill as well as started the ''Laughter Therapy Foundation.''

Allen Funt was truly a remarkable man who will be fondly remembered for his ingenuity and enthusiasm. His appreciation of laughter's power to heal provided for 52 years of good comedy for the entire nation. Allen will be missed by the countless numbers of people he touched both personally and through his ''Candid Camera'' show around the world.

DR. TERRY STRAETER: A COMMUNITY SERVANT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. FILNER. Mr. Speaker, I am honored to rise today to express my admiration and thanks to a leader in San Diego. Dr. Terry Straeter has been a part of our community and given of himself for many years. I am honored to have been invited to participate in an important event to be held this week at the National Air and Space Museum to pay tribute to this innovative and dedicated man.

Dr. Straeter got his start at the National Aeronautics and Space Administration during the 1970s, a time when our missions to the moon were coming to an end and NASA was once again looking to ''push the envelope'' in space exploration. Serving at the Langley Research Center in Hampton, Virginia, Terry was performing much of the important research that would lead to more and more innovation.

But then, San Diego got lucky. Terry went into the private sector, holding several posts with General Dynamics, eventually coming to beautiful San Diego to lead a group of tremendously dedicated men and women serving at Marconi Information Systems and Marconi Integrated Systems. And quite frankly, Mr. Speaker, our community has not been the same since Terry and his lovely wife Jinny arrived.

Terry is a strong supporter of our United Way campaign. He takes precious moments of his day to work with kids and help them to understand how important our free market economy is by participating in Junior Achievement. He has reached out to those children whose lives are affected by the daily challenges of diabetes by serving as the Corporate Recruitment Chairman of the 1998 Juvenile Diabetes Foundation's ''Walk to Cure Diabetes.'' And all the while running one of the most successful and innovative high technology companies in our city, the State of California, and indeed, within our nation.

I am proud to offer my congratulations to Dr. Terry Straeter on this important occasion when we will honor him in a glowing tribute at the National Air and Space Museum. Terry, we appreciate you and we thank you for your service.

TRIBUTE TO BARRIE AND MICHAEL GROBSTEIN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. SHERMAN. Mr. Speaker, I rise to pay tribute to Barrie and Michael Grobstein, who will be honored this year with the Circle of Life Award, given annually for service on behalf of the Jewish Home for the Aging, the largest continuing residential care facility in Southern California. Barrie and Michael are truly worthy of this distinguished award.

Through their involvement with The Executives, a group of business leaders from the San Fernando Valley formed to support this critically-needed facility, the Grobsteins have been instrumental in ensuring that the Jewish Home for the Aging has the financial support it needs to continue to provide seniors with the highest level of care. With the help of Barrie and Michael, The Executives has become one of the Los Angeles area's most distinguished and successful charitable organizations.

Michael has served as a founding member, executive committee member, and as president for three years of The Executives and its predecessor, The Valley Jewish Business Leaders Association.

The Jewish Home for the Aging is a truly unique facility. The average age of its 750 residents is 90 years. Each of its two campuses has a full-service medical clinic with state-of-the-art equipment and is staffed by on-site physicians, nurses, and medical and rehabilitation therapists. The Home's medical department is affiliated with UCLA's Division of Geriatric Medicine, and has developed a national reputation for its research in aging, long-term care, and Alzheimer's disease.

Barrie and Michael have been instrumental in making all this possible.

In addition to his work on behalf of the Jewish Home for the Aging, with Barrie's support Michael has served on the board of many other charitable organizations, including the Institute for Arteriosclerosis Research, Temple Valley Beth Shalom, International College, Ryokan College, the Pacific Association of Schools and Colleges, two organizations supporting the premier cancer research charity City of Hope, the West Coast Father's Day Council for the Juvenile Diabetes Foundation, Sherman Oaks Hospital, and many others. Barrie also has been active in education on the danger of cults, serving as a Speaker for the Jewish's Federation's Anti-Cult Movement. She is also a long-term member of Valley Beth Shalom's Sisterhood.

The Grobstein's efforts on behalf of these charities and community groups have been paralleled by success in the business world. With Barrie's help, Michael's accounting practice grew from a one room office in 1967 to almost two floors in the same office building today and in one of the largest regional CPA firms in Los Angeles.

Mr. Speaker, Michael and Barrie Grobstein, who this year celebrated their 36th wedding anniversary, are two of the San Fernando Valley's finest community leaders. I urge you and all my colleagues to join me today in honor of their achievements. They have truly served their community with distinction.

IN MEMORY OF KEITH D. OGLESBY

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. DEMINT. Mr. Speaker, today I introduced a bill to honor Keith D. Oglesby, the late Postmaster General of the Greenville, South Carolina Post Office. I am joined by the entire South Carolina delegation in this request to honor Keith Oglesby by renaming the Orchard Park Station of the Greenville Post Office as the Keith D. Oglesby Station.

Mr. Oglesby was a tireless worker, community activist, and beloved boss. His involvement with charitable organizations aided those in the Greenville community, the state of South Carolina, and the nation as a whole. Mr. Oglesby was the chairperson for Greenville County's Combined Federal Campaign, hosted the First-Day of Issue ceremonies for the Organ & Tissue Donation Stamp, filled Christmas stockings for the Salvation Army, coordinated postal blood drives, participated in March of Dimes WalkAmerica and the American Cancer Society's Relay for Life. Additionally, he received the Greenville Family Partnership's Volunteer of the Year Award in 1997.

As a supervisor, Mr. Oglesby always told his workers to ''Do the right thing,'' and this motto permeated his actions and expectations. Local postal customers, employees of the Greenville Post Office, and higher management of the United States Postal Service recognize the contributions of Keith Oglesby to his community and his faithful service to this nation. He was honored posthumously with his second Benjamin Award—the Postal Service's top public relations honor given to recognize community outreach accomplishments.

The unexpected death of Mr. Oglesby shocked and saddened the community of Greenville, South Carolina. As we grieve his loss, we would like to pay tribute to Mr. Oglesby by renaming a facility in his honor. The Keith D. Oglesby Station would be a permanent memorial of his steadfast service to our community and the United States Postal Service.

EXTRADITE PINOCHET TO SPAIN FOR HUMAN RIGHTS CRIMES IN CHILE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. MCGOVERN. Mr. Speaker, today, Monday, September 27, 1999, almost a year after his arrest in Britain for human rights abuses during his 17-year rule in Chile, an extradition hearing for former Chilean dictator General Augusto Pinochet has begun. Over the next five days, Magistrate Ronald Bartle of the Magistrates' Court will consider evidence for and against the extradition request for General Pinochet to face charges in Spain.

On Sunday, September 26, family, friends, and colleagues of two victims of Pinochet's murderous regime were remembered here in Washington, DC. Former Chilean Ambassador and Cabinet Minister Orlando Letelier and United States citizen Ronni Karpen Moffitt were assassinated on September 21, 1976, by Chilean agents on the streets of Washington when Letelier's car exploded from a car bomb. Should Spain's request to extradite Pinochet to face charges of torture and murder be granted, then I hope the Letelier and Moffitt murders might be included in that trial, or that the United States government would also request extradition to try Pinochet in the United States for these two murders and the murders of other Americans in Chile.

I call upon the United States government to release all documents regarding human rights violations and the actions of the Chilean military, police, intelligence, and security agencies during the Pinochet regime, including documents regarding the role of United States agencies prior to and during the 1973 coup and during the 17-year rule of General Pinochet. I submit for the RECORD, my statement at Sunday's memorial event at Sheridan Circle commemorating the 23rd anniversary of the murders of Orlando Letelier and Ronni Moffitt.

IN MEMORY OF ORLANDO LETELIER AND RONNI KARPEN MOFFITT

Twenty-three years ago, international terrorism exploded on the streets of our nation's capital with the brutal assassination of Orlando Letelier and Ronni Moffitt, and it changed our world forever.

As my former boss, mentor and dearest friend Senator George McGovern said from the pulpit at the funeral for Orlando and Ronni: ''If Orlando Letelier must die at the age of forty-four and dear Ronni Moffitt must die at the age of twenty-five because of the unbridled power of madmen, then there is no security for any of us.''

I won't try to speak as to how the world changed for the Letelier, Moffitt and Karpen families, or for the friends and colleagues of Orlando and Ronni. Their personal grief and journeys during the past two decades are private. But their public lives and advocacy have been an inspiration to all of us, including myself.

They have been tenacious in their search for the whole truth about how this heinous act took place and who was responsible.

They have lent their support and personal resources to the search for truth about other human rights crimes carried out by the Pinochet regime in Chile.

And they have enshrined the memories of Orlando Letelier and Ronni Moffitt by annually recognizing individuals and groups in the United States and throughout the world who continue the struggle for basic human rights, human dignity and social justice.

We are now at a historic moment in the search for truth and justice for the people of Chile. The effort to hold General Augusto Pinochet accountable for the crimes against humanity committee by his government and by his orders is important for the people of Chile and for those everywhere who suffer under repression. I support and salute the individuals, lawyers and jurists in Chile, Spain and the United Kingdom whose efforts have brought about the arrest, and hopefully the extradition, of General Pinochet. Human rights law and advocacy have all been strengthened by their singular dedication.

At this moment in history, when Chileans are attempting to confront and address their own past and seek justice, it is time—indeed it is past time—for the United States to open all its files on Chile. In particular, the CIA must stop blocking the declassification of Chile files and support the President's effort to release all documents.

It has been more than a quarter century since the violent military coup overthrew

the democratically elected government of Chile. Open the files, release the documents, let the light finally shine on this dark and shameful period. It will set us all free.

HINDUS ABDUCT, ABUSE NUN IN INDIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. DOOLITTLE. Mr. Speaker, I was distressed to read an article from the Indian Express of September 24 which reported that a nun was abducted in the Indian state of Bihar. This is the state where a priest was beheaded last year. Will the religious violence in India never stop?

I thank Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for bringing this terrible event to my attention.

Sister Ruby of the Congregation of the Sisters of the Immaculate Heart of Mary was abducted September 20 after being forced into a rickshaw in the village of Chapra. The kidnappers threatened to rape her. The two men accused Sister Ruby of trying to convert Hindus and they threatened to ''teach all Christians a lesson.''

This is unfortunately typical. Christians were subjected to a wave of church burnings, as well as attacks on prayer halls and schools earlier this year. Another priest was murdered last week. Missionary Graham Staines and his two sons, ages 8 and 10, were burned to death while they slept in their Jeep by a Hindu fundamentalist mob. Last year four nuns were raped and four priests were murdered. In 1997, police broke up a Christian festival with gunfire.

These incidents are related to religious conversions by members of the lower castes. To the Hindu militants, all conversions are forced conversions.

But it is not just the Christians who have suffered from this kind of religious persecution. Many of my colleagues and I have detailed the religious repression of Sikhs and Muslims by the Indian government and its agents and allies. Sikhs continue to be murdered for their religion and their Golden Temple remains under surveillance by plainclothes police officers fifteen years after the Indian government's attack on the Sikh Nation's holiest shrine. Muslims have seen their most revered mosque in India destroyed and many of their adherents killed.

We should support the right of the minority peoples of Khalistan, Kashmir, and Nagaland to a free and fair vote on independence from India.

Mr. Speaker, I insert the Indian Express report on the abduction of Sister Ruby into the RECORD.

[From the Indian Express, Sept. 24, 1999]

NUN KIDNAPPED, STRIPPED IN BIHAR; BISHOPS PROTEST

(By Arun Srivastava)

PATNA.—A nun was kidnapped, tied up and stripped in Chapra on September 20.

The nun, belonging to the congregation of the Sisters of the Immaculate Heart (better known as Pondicherry Blue Sisters), was forcefully taken in an autorickshaw by two unidentified men on Monday morning to a secluded spot. Her hands were tied behind her back, she was stripped and was forced to drink their urine.

The nun, who hails from Pondicherry, came to Bihar recently and does not know the dialect. She is an inmate of the St. Joseph's Convent in Khalpura Inchapra which is involved in working with the poorest of the poor.

She had left her convent around 9 in the morning for Gandhi Chowk from where she took an autorickshaw for the local post office. There were two men in the autorickshaw.

When she realised that she was being taken through an unfamiliar route, she asked to be dropped off. They did not stop the vehicle and one of them took out a knife, threatened to kill her and accused her of converting people.

He asked her why she and others were still in Chapra and why they have not left for south India. He told her that Christians would be taught a lesson once the elections were over.

According to the Bishop of Bettiah, who in a statement narrated the whole incident, the nun was dragged out of the vehicle, her hands tied and then she was stripped. The two men urinated in a bottle and threatened to rape her when she refused to drink.

Later she was given back her clothes and warned not to contact anyone on the phone. One of the attackers followed to make sure that she did as told. Director General of Police A R Jacob said: ''I have been briefed by the Bishop of Patna about the incident.'' He added: ''Right now, I am unable to say anything about the incident. But I am seriously looking into it. I can assure that no one will be spared.''

Jacob has assigned IG A K Gupta and the SP of Chapra to ''personally investigate the matter.'' He has also sent to Chapra a senior woman officer who knows Tamil to investigate the incident.

The DGP said the FIR was filed only today as the local police station refused to register the case yesterday because the petition was in English. He is also looking into the delay in registering the case. The Bishop of Bettiah, Rev Victor Henry Thakur, visited the convent. The Archbishop Benedict J Osta and the Bishop of Bettiah have strongly condemned the outrageous attack and have demanded a thorough probe.

They stated that the Christians will not be frightened by such threats and will continue to serve the poor and the distressed more zealously.

Allen R Johannes, press secretary of the Diocese of Bettiah, said the ugly and inhuman act has shocked the entire Christian community in North Bihar and is creating an atmosphere of fear and panic among the Christian minority as the news spreads over the state.

PERSONAL EXPLANATION

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. WEYGAND. Mr. Speaker, on Wednesday, September 22, 1999, I was unavoidably detained and was not present during rollcall vote 430. Had I been present I would have voted ''no.''

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Ms. KILPATRICK. Mr. Speaker, in the five months since the shooting of 16 innocent high-school children at Columbine High School in a suburb of Denver, Colorado, over 500 American citizens have died as a result of gun violence. What has the Republican leadership in Congress done to address this problem? Absolutely nothing. What is worse, the motion offered by Congressman JOHN DOOLITTLE does even less. This motion, which says that anything during the conference of the Juvenile Justice bill that could possibly harm the Second Amendment to the Constitution should be rejected, is a terrible motion. It is terrible because Congress should protect our neighborhoods, our police departments, and the American people. This motion does protect one group of individuals—the gun lobby. I make no apologies for standing up for our neighborhoods, our police departments, or the citizens of the 15th Congressional District of Michigan.

This motion does not protect our neighborhoods. Several Members of Congress, Republicans and Democrats alike, have offered reasonable, sane, and safe recommendations regarding gun control. The issue of guns is one that cuts across the whole of America's fabric, but it especially harms minorities and urban areas—similar to the area which I am honored to serve. By limiting the options of Members to posit real and reasonable constitutional limits to control the glut of guns in our nation, this motion makes our neighborhoods unsafe. All we are asking is that gun dealers perform background checks, that child safety locks be sold on handguns, and that former criminals be prevented from buying guns.

This motion does not protect our police departments. The Fraternal Order of Police Officers and the International Association of Police Chiefs have endorsed measures similar to the Brady law. These same organizations have both supported measures that would get rid of ''cop killer bullets'', assault weapons and high-powered rifles. This motion would, incredibly, not allow these measures to be considered by the conferees.

This motion does not protect the Constitution. We have all sworn to protect and defend the Constitution. It is Congress' job to make laws; it is the job of the women and men of the Supreme Court to interpret the Constitution. We do not need to establish the precedent of ''pre-interpreting'' the Constitution for the sake of a sound bite or political folly. This motion removes the option of interpreting the Constitution from the Judicial branch, presupposing that Members of Congress know what is best for the Constitution.

I will continue to fight for our Constitution. I will continue to protect our children, our senior citizens, our neighborhoods, our police officers. I say no to the glut of guns on our streets and to the gun lobby. I urge my colleagues to say no to the Doolittle motion.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 28, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 29

9 a.m.
Small Business
Business meeting to markup S. 791, to amend the Small Business Act with respect to the women's business center program.
SR–428A

9:30 a.m.
Indian Affairs
To hold hearings on S. 1508, to provide technical and legal assistance for tribal justice systems and members of Indian tribes.
SR–485

Environment and Public Works
Business meeting to markup pending calendar business.
SD–406

Joint Economic Committee
To hold hearings on biotechnology issues.
SH–216

Judiciary
Business meeting to consider pending nominations.
SD–226

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings on S. 1501, to improve motor carrier safety.
SR–253

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.
SD–366

SEPTEMBER 30

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review the Administration's agriculture agenda for the upcoming World Trade Organization meeting in Seattle.
SR–328A

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on S. 1130, to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles.
SR–253

Year 2000 Technology Problem
To hold hearings to examine the global impact of Y2K technology on the transportation system.
SD–192

10 a.m.
Judiciary
Business meeting to mark up S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims.
SD–226

10:30 a.m.
Foreign Relations
To hold hearings to examine issues on corruption in Russia.
SD–419

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1457, to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations.
SD–366

OCTOBER 5

9:30 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the Environmental Protection Agency's Blue Ribbon Panel findings on methyl tertiary-butyl ether.
SD–406

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.
SD–366

OCTOBER 6

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.
SR–328A

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business.
SR–485

OCTOBER 7

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.
SR–328A

OCTOBER 13

9:30 a.m.
Armed Services
SeaPower Subcommittee
To hold hearings on the force structure impacts on fleet and strategic lift operations.
SR–222

2:30 p.m.
Foreign Relations
To hold hearings on numerous tax treaties and protocols.
SD–419

CANCELLATIONS

SEPTEMBER 29

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

POSTPONEMENTS

SEPTEMBER 29

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine national technical information services issues.
SR–253

Daily Digest

HIGHLIGHTS

The House agreed to the Conference Report on H.R. 2605, Energy and Water Development Appropriations

Senate

Chamber Action

Routine Proceedings, pages S11455–S11519

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 1642–1644, and S. Res. 189. **Page S11494**

Measures Reported: Reports were made as follows:

S. 1051, to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, with an amendment in the nature of a substitute. (S. Rept. No. 106–163)

S. Res. 189, authorizing expenditures by committees of the Senate for the periods October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001. (S. Rept. No. 106–164)

S. 1568, imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, with an amendment in the nature of a substitute. **Page S11494**

Measures Passed:

Education Funding: By 51 yeas to 42 nays (Vote No. 293), Senate agreed to S. Res. 186, expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965. **Pages S11476–90**

Education Funding: By 41 yeas to 52 nays (Vote No. 294), Senate rejected S. Res. 187, to express the sense of the Senate regarding education funding. **Pages S11476–91**

Messages From the President: Senate received the following message from the President of the United States:

A message from the President of the United States transmitting a report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA)''; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–61). **Pages S11492–93**

Nominations Received: Senate received the following nominations:

Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

5 Air Force nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

A routine list in the Navy. **Pages S11518–19**

Messages From the President: **Pages S11492–93**

Messages From the House: **Page S11493**

Measures Referred: **Page S11493**

Communications: **Pages S11493–94**

Executive Reports of Committees: **Page S11494**

Statements on Introduced Bills: **Pages S11494–96**

Additional Cosponsors: **Pages S11496–97**

Notices of Hearings: **Page S11501**

Authority for Committees: **Page S11501**

Additional Statements: **Pages S11501–04**

Text of H.R. 2684, as Previously Passed: **Pages S11504–18**

Record Votes: Two record votes were taken today. (Total–294) **Pages S11490–91**

Adjournment: Senate convened at 12 noon, and adjourned at 6:48 p.m., until 10:00 a.m., on Tuesday, September 28, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11518.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies approved for full committee consideration an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. 1568, imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, with an amendment in the nature of a substitute; and

The nominations of Sim Farar, of California, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations, Zell Miller, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, and Edward W. Stimpson, of Idaho, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

House of Representatives

Chamber Action

Bills Introduced: 8 public bills, H.R. 2951–2958; and 3 resolutions, H.J. Res. 67–68, and H. Con. Res. 189, were introduced. **Page H8872**

Reports Filed: Reports were filed today as follows:

H.R. 2910, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, amended (H. Rept. 106–335);

Conference report on H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000 (H. Rept. 106–336);

H.R. 2841, to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions (H. Rept. 106–337);

S. 944, to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma (H. Rept. 106–338);

Conference report on H.R. 2606, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000 (H. Rept. 106–339);

H.R. 2130, 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, amended (H. Rept. 106–340, Pt. 1);

H.R. 1714, to facilitate the use of electronic records and signatures in interstate or foreign commerce, amended (H. Rept. 106–341, Pt. 1) and

H. Res. 305, providing for consideration of H.J. Res. 68, making continuing appropriations for the fiscal year 2000 (H. Rept. 106–342).

Pages H8677–H8762, H8831–60, H8871–72

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Biggert to act as Speaker pro tempore for today.

Page H8667

Recess: The House recessed at 12:32 p.m. and reconvened at 2:00 p.m. **Page H8667**

Suspensions: The House agreed to suspend the rules and pass the following measures:

National Parks Air Tour Management Act: H.R. 717, amended, to amend title 49, United States Code, to regulate overflights of national parks;

Pages H8668–71

Technical Corrections to the Centennial of Flight Commemoration Act: 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.)—clearing the measure for the President; **Pages H8674–77**

Small Business Innovation Research Program Reauthorization: H.R. 2392, amended, to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program;

Pages H8762–67

Foreign Service's 75th Anniversary: H. Res. 168, recognizing the Foreign Service of the United States on the occasion of its 75th anniversary;

Pages H8767–70

Marine Mammal Rescue Assistance Act: H.R. 1934, amended, to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program; **Pages H8777–79**

Black Canyon National Park and Gunnison Gorge National Conservation Area Act: S. 323, amended, to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area; **Pages H8780–86**

Providing for Mineral Leasing of Certain Indian Lands in Oklahoma: S. 944, to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma—clearing the measure for the President; **Pages H8786–87**

Amending the Revised Organic Act of the Virgin Islands: H.R. 2841, amended, to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions; **Pages H8787–88**

Extending Reenactment of Chapter 12 of Title 11: H.R. 2942, amended, to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. Agreed to amend the title; **Pages H8813–15**

Sense of Congress Re the European Council Noise Rule: H. Con. Res. 187, amended, expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft (agreed to by a yea and nay vote of 402 yeas to 2 nays, Roll No. 448); **Pages H8671–73, H8822**

Sense of Congress Re Free, Fair, Transparent, and Peaceful Elections in Haiti: H. Con. Res. 140, amended, expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections (agreed to by a yea and nay vote of 400 yeas to 1 nay with 1 voting ''present'', Roll No. 449); **Pages H8770–77, H8822–23**

Conveyance of Certain Lands in San Juan County, New Mexico: S. 293, to direct the Secretaries of Agriculture and Interior and to convey certain lands in San Juan County, New Mexico, to San Juan College (passed by a yea and nay vote of 406 yeas to 1 nay, Roll No. 450)—clearing the measure for the President; and **Pages H8779–80, H8823–24**

Preserving Affordable Housing for Senior Citizens Into the 21st Century Act: H.R. 202, amended, to restructure the financing for assisted housing for senior citizens and otherwise provide for the preservation of such housing in the 21st Century (passed by a yea and nay vote of 405 yeas to 5 nays, Roll No. 451)—agreed to amend the title. **Pages H8788–H8813, H8824**

Energy and Water Appropriations Conference Report: The House agreed to H.R. 2605, Conference report on H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000 by a yea and nay vote of 327 yeas to 87 nays, Roll No. 452. **Pages H8815–21, H8824–25**

Library of Congress Trust Fund Board: The Chair announced the Speaker's appointment of Mr. Edwin L. Cox of Dallas, Texas to the Library of Congress Trust Fund Board for a five-year term. **Page H8815**

Presidential Message—National Emergency re Angola: Read a message from the president wherein he transmitted his 6 month periodic report on the national emergency with respect to Angola—referred to the Committee on International Relations and ordered printed (H. Doc. 106–132). **Page H8815**

Recess: The House recessed at 9:49 p.m. and reconvened at 9:50 p.m. **Page H8869**

Senate Messages: Messages received from the Senate appear on pages H8667 and H8786.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H8873–74.

Quorum Calls—Votes: Five yea and nay votes developed during the proceedings of the House today and appear on pages H8822, H8822–23, H8823–24, H8824, and H8824–25. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:50 p.m.

Committee Meetings

YEAR 2000 COMPUTER PROBLEM AND MEDICARE

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology, hearing on the Year 2000 Computer Problem and Medicare: Is Health Service Delivery at Risk? Testimony was heard from Joel Willemssen, Director, Civil Agencies Information Systems, GAO; Gary Christoph, Chief Information Officer, Health Care Financing Administration, Department of Health and Human Services; and public witnesses.

CONTINUING APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a closed rule providing one hour of general debate on H.J. Res. 67, making continuing appropriations for fiscal year 2000, equally divided and controlled by the

chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. The rule provides one motion to recommit. Testimony was heard from Chairman Young and Representative Obey.

Joint Meetings

APPROPRIATIONS—ENERGY AND WATER

Conferees, on Friday, September 24, agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000.

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 28, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on Parkinson's disease research and treatment, 9:30 a.m., SH–216.

Full Committee, business meeting to begin markup of proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, 2 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine public ownership of the United States stock market issues, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings on the nomination of Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation; the nomination of Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation; and the nomination of Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board, 10 a.m., SR–253.

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure, to hold hearings on the proposed fiscal year 2000 budget request for the General Services Administration and the Courthouse construction program, 10 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the disarray in the international community, focusing on facing Saddam's Iraq, 10:30 a.m., SD–419.

Full Committee, to hold hearings to examine United States/Kosovo diplomacy, 3 p.m., SD–419.

Committee on the Judiciary: Subcommittee on Youth Violence, to hold hearings to examine effective juvenile intervention programs, 2 p.m., SD–226.

Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion, 9:30 a.m., 345 Cannon Building.

Special Committee on the Year 2000 Technology Problem: to hold hearings on the potential impacts and future consequences of Y2K and Russia, 10 a.m., SD–192.

House

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, hearing on Securities Transaction Fees, 10 a.m., 2123 Rayburn.

Subcommittee on Health and Environment, hearing on Prescription Drugs: What We Know and Don't Know About Seniors' Access to Coverage, 10 a.m., 2322 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on Compensating Vaccine Injuries: Are Reforms Needed? 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on the Democratic Republic of Congo: The Lusaka Peace Accords and Beyond, 2 p.m., 2172 Rayburn.

Subcommittee on International Economic Policy and Trade, hearing on Transatlantic Trade Agenda: A Conflict or Cooperation? 11 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up H.R. 764, Child Abuse Prevention and Enforcement Act, 2 p.m., 2141 Rayburn.

Committee on Rules, to consider H.R. 2559, Agriculture Risk Protection Act of 1999 and the conference report on H.R. 2606, Foreign operations Appropriations for FY 2000, 1 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Basic Research, hearing on the Impact of Basic Research on Technological Innovation and National Prosperity, 2 p.m., 2318 Rayburn.

Joint Meetings

Conference: meeting of conferees on H.R. 1554, to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite, 10 a.m., H–137, Capitol.

Joint Meetings: Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion, 9:30 a.m., 345 Cannon Building.

Next Meeting of the SENATE

10 a.m., Tuesday, September 28

Senate Chamber

Program for Tuesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate expects to consider the conference report on H.R. 2605, Energy and Water Development Appropriations, and may consider S. 761, Millennium Digital Commerce Act. Also, Senate will consider any appropriation bills and conference reports when available.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, September 28

House Chamber

Program for Tuesday: Consideration of Suspensions:

(1) H. Res. 292, Expressing the Sense of the House Regarding East Timor;

(2) H. Res. 297, Expressing Sympathy for the Victims of Taiwan Earthquake; and

(3) H. Res. , Expressing the Desire of the House to Not Spend the Budget Surplus and Retire the Public Debt;

Consideration of H.J. Res. 68, making continuing appropriations for FY 2000 (closed rule, one hour of general debate) and

Consideration of H.R. 2506, Health Research and Quality Act of 1999 (modified open rule, one hour of general debate).

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